



**FINAL ADMINISTRATIVE DECISION  
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Divinity Properties  
DOCKET NO.: 13-23937.001-R-1  
PARCEL NO.: 20-07-319-037-0000

The parties of record before the Property Tax Appeal Board are Divinity Properties, the appellant(s), by attorney Nancy Piña-Campos, Attorney at Law in Cicero; and the Cook County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **No Change** in the assessment of the property as established by the **Cook** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$ 2,612  
**IMPR.:** \$ 5,745  
**TOTAL:** \$ 8,357

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the Cook County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2013 tax year. The Property Tax Appeal Board (the "Board") finds that it has jurisdiction over the parties and the subject matter of the appeal.

**Findings of Fact**

The subject consists of a two-story dwelling of masonry construction with 912 square feet of living area. The dwelling is 70 years old. Features of the home include a full basement with a formal recreation room and a two-car garage. The property has a 4,750 square foot site, and is located in Chicago, Lake Township, Cook County. The subject is classified as a class 2-05 property under the Cook County Real Property Assessment Classification Ordinance. The subject is owned by a business entity, and, therefore, it is not owner occupied.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on August 31, 2012 for a price of \$26,000, or \$28.51 per square foot of living area. In Section IV - Recent Sale Data of the Board's residential appeal form, the appellant stated that the subject was sold pursuant to a

foreclosure. The printout from the MLS submitted by the appellant states that sale of the subject was a "REO/Lender Owned, Pre-Foreclosure," and that it was advertised for sale on the open market for 18 days. The Real Property Transfer Tax Declaration submitted by the appellant states that the sale of the subject was "Bank REO (Real Estate Owned)." Based on this evidence, the appellant requested a reduction in the subject's assessment to 10.00% of the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$8,357. The subject's assessment reflects a market value of \$83,570, or \$91.63 per square foot of living area, including land, when applying the 2013 statutory level of assessment for class 2 property of 10.00% under the Cook County Real Property Assessment Classification Ordinance.

In support of its contention of the correct assessment, the board of review submitted four equity comparables and four sale comparables. These comparables sold between March 2012 and October 2012 for between \$109,000 and \$129,900, or \$100.36 to \$118.20 per square foot of living area. The board of review's evidence also states that the subject was purchased on August 2012 for \$26,000.

In rebuttal, the appellant reaffirmed the evidence previously submitted, and argued that the board of review's comparables were not responsive to the appellant's market value argument.

The appellant's petition, evidence, and rebuttal were all submitted by Jerri K. Bush. On April 12, 2016, the Board received a Notice of Withdrawal from Ms. Bush, wherein she requested to be withdrawn as counsel of record for the appellant. The Board granted this request, and the appellant proceeded *pro se*. On the day of the hearing, but prior to commencement of the hearing, Nancy Piña-Campos filed a Legal Counsel Authorization, wherein the appellant authorized Ms. Piña-Campos to represent her in the instant matter. The Legal Counsel Authorization included an Appearance. Therefore, the Board granted Ms. Piña-Campos's request, and she was entered as the attorney of record for the appellant in this matter.

At hearing, counsel for the appellant reaffirmed the evidence previously submitted. The board of review also reaffirmed the evidence previously submitted, and also argued that the appellant's evidence states that the sale of the subject was a foreclosure. In rebuttal, counsel reaffirmed the evidence submitted in the appellant's written rebuttal submission, and argued that the board of review's comparables were not similar to the subject for various reasons.

### **Conclusion of Law**

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds that the sale of the subject in August 2012 for \$26,000 was a "compulsory sale." A "compulsory sale" is defined as:

(i) the sale of real estate for less than the amount owed to the mortgage lender or mortgagor, if the lender or mortgagor has agreed to the sale, commonly referred to as a "short sale" and (ii) the first sale of real estate owned by a financial institution as a result of a judgment of foreclosure, transfer pursuant to a deed in lieu of foreclosure, or consent judgment, occurring after the foreclosure proceeding is complete.

35 ILCS 200/1-23. The Board finds that the sale of the subject in August 2012 is a compulsory sale, in the form of a foreclosure, based on the appellant's admission in Section IV – Recent Sale Data of the Board's residential appeal form, the printout from the MLS submitted by the appellant, and the Real Property Transfer Tax Declaration submitted by the appellant.

Real property in Illinois must be assessed at its fair cash value, which can only be estimated absent any compulsion on either party.

Illinois law requires that all real property be valued at its fair cash value, estimated at the price it would bring at a fair voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is likewise ready, willing, and able to buy, but is not forced to do so.

Bd. of Educ. of Meridian Cmty. Unit Sch. Dist. No. 223 v. Ill. Prop. Tax Appeal Bd., 2012 IL App (2d) 100068, ¶ 36 (citing Chrysler Corp. v. Ill. Prop. Tax Appeal Bd., 69 Ill.App.3d 207, 211 (2d Dist. 1979)).

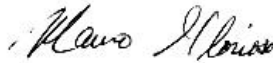
However, the Illinois General Assembly recently provided very clear guidance for the Board with regards to compulsory sales. Section 16-183 of the Illinois Property Tax Code states as follows:

The Property Tax Appeal Board shall consider compulsory sales of comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer.

35 ILCS 200/16-183. Therefore, the Board is statutorily required to consider the compulsory sales of comparable properties submitted by the parties to revise and/or correct the subject's assessment. In this appeal, the board of review submitted information on four comparable sales. The Board finds board of review comparables #1, #2, #3, and #4 to be most similar to the subject. These comparables sold for prices ranging from \$100.36 to \$118.20 per square foot of living area, including land. The subject's sale price reflects a market value of \$28.51 per square foot of living area, including land, which is well below the range established by the best comparables in this record. Additionally, the subject was advertised on the open market for less than one month. As such, the Board finds that the subject was not exposed to the market for an adequate period of time; and, therefore, the sale of the subject was given diminished weight in the Board's analysis. Moreover, the subject's current assessment reflects a market value of \$91.63 per square foot of living area, including land, which is also below this range. Therefore, the Board finds that the sale of the subject in August 2012 for \$26,000 was below the subject's

fair cash value. Since there is no evidence that the sale price of the subject was at its fair cash value, the Board finds that the subject is not overvalued and a reduction is not warranted.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member



Acting Member

Member

DISSENTING: \_\_\_\_\_

### CERTIFICATION

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: \_\_\_\_\_

April 21, 2017



Clerk of the Property Tax Appeal Board

### **IMPORTANT NOTICE**

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of

the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.