



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

APPELLANT: Jason Hendrickson
DOCKET NO.: 13-25683.001-R-1
PARCEL NO.: 28-10-308-094-0000

The parties of record before the Property Tax Appeal Board are Jason Hendrickson, the appellant(s), by attorney Stephanie Park, of Park & Longstreet, P.C. in Rolling Meadows; 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: \$8,777
IMPR.: \$8,256
TOTAL: \$17,033

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 finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property is a 63 year-old, one-story dwelling of frame construction containing 1,378 square feet of living area. Features of the subject include a partial unfinished basement and a two-car garage. The property has a 35,109 square foot site in Oak Forest, Bremen Township, Cook County. The property is a Class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant is Jason Hendrickson (Jason). The appellant's appeal is based on overvaluation based on a recent sale of the subject. In support of this argument, Jason submitted a settlement statement disclosing the subject property was purchased by Paul J. Hendrickson (Paul) from GMAC Mortgage LLC (GMAC), on June 10, 2010, for \$34,900 in an all-cash transaction. Paul

is Jason's uncle. The settlement statement included line-item 706 for "Management Fee (REO Trans, from selling broker to GMAC." The subject's sale price reflects a market value of \$25.33 per square foot of living area including land. The appellant also submitted an affidavit of Paul attesting that he purchased the subject from GMAC for \$34,900 in an arm's-length transaction on June 10, 2010. Paul attested that he sold the subject property to his nephew, Jason, in July 2010 for \$34,900 and that he did not make any renovations to the subject property prior to selling it to Jason. Paul also attested that the "property was not purchased in settlement of an installment contract, a contract for deed, or a foreclosure..." Paul did not disclose in the affidavit how the transaction was settled.

However, the appellant, Jason, included information in Section IV—Recent Sale Data of the Residential Appeal that the subject was sold as a transfer between related parties, namely Jason and his uncle, Paul; and was sold by the owner, namely Paul. Jason disclosed in Section IV that "my uncle was the conduit to purchase." Jason also stated in Section IV that he spent \$30,000 in material and labor before occupying the subject. Jason failed to disclose in Section IV whether the subject was advertised for sale and how the transaction was settled.

The appellant requested a reduction in the subject's assessment to \$3,490.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$17,033. The subject's assessment reflects a market value of \$170,330, or \$123.61 per square foot of living area, when using the 2013 level of assessment of 10.00% for Class 2 property under the Cook County Real Property Assessment Classification Ordinance. In support of its contention of the correct assessment, the board of review submitted information on three suggested comparable sales that sold from March 2010 through May 2010 for prices ranging from \$119.17 to \$149.73 per square foot of living area including land. The board of review also disclosed the July 2010 transfer of title from Paul to Jason.

In rebuttal, the appellant reiterated its argument that the sale was at arm's-length for fair cash value. The appellant reaffirmed the request for an assessment reduction.

The Board considered Jason's appeal in its decision dated November 23, 2016, docket #13-25683. The Board based its decision on the same evidence submitted in the instant appeal. The Board found no change was warranted because the sale from Paul to his nephew Jason was not purchased in an arm's-length transaction for fair cash value. On December 23, 2016, Jason's attorney filed a Motion to Rescind Decision Due to Mistake of Fact. Jason's attorney argued that the Board found in error that the salient sale was on July 28, 2010, from Paul to Jason. Instead, Jason's attorney argued the sale that established market value was when Paul purchased the subject from GMAC. He further argued that this sale from GMAC to Paul was at arm's-length. The Board granted this Motion without stating reasons or legal analysis and rescinded its November 23, 2016, decision. The Board reset the matter for hearing.

In emails sent to the Board on May 21, 2019, the parties waived hearing and requested the Board to write its decision based on the documentary evidence submitted.

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 has not met this burden of proof and a reduction in the subject's assessment is not warranted.

The Board accords minimal weight to Paul's affidavit. He attested that he purchased the subject property in an arm's-length transaction without evidence establishing his qualifications to render that legal conclusion. Paul also attested that the subject was not purchased in settlement of an installment contract, contract for deed, or a foreclosure. Yet, neither Paul nor Jason, the appellant herein, have explained what alternative methods existed to settle the transaction. Paul also attested that he sold the subject property to his nephew, Jason.

The Board need not revisit the issue of whether the transfer of title from Paul to his nephew Jason was at arm's-length for fair cash value or not. The appellant's overvaluation argument fails even if Paul's June 2010 purchase determines market value, as the appellant's attorney argued in his Petition and his subsequent Motion to Rescind Decision. Instead, the subject property does not warrant an assessment reduction based on the evidence submitted. In addressing the appellant's market value argument, the Board finds that the sale of the subject from GMAC in June 2010 for \$34,900 is a "compulsory sale." The evidence submitted, especially the appellant's settlement statement, disclosed the sale was an REO transaction from a financial institution. 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.

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., 961 N.E. 2d 794, 802 (2d Dist. 2011) (citing Chrysler Corp. v. Ill. Prop. Tax Appeal Bd., 69 Ill. App. 3d 207, 211 (2d Dist. 1979)).

The Board may consider market value evidence, such as sales of comparable properties submitted by the parties, to determine whether the subject was sold at fair cash value. 86 Ill.Admin.Code §1910.65(c)(4); *See* Calumet Transfer LLC v. Illinois Property Tax Appeal Board, 401 Ill.App.3d 652 (1st Dist. 2010).

The appellant did not submit evidence other than the affidavit and settlement statement. However, the board of review submitted three suggested recent sales to establish market value. The Board finds the best evidence of market value to be the board of review comparable sale(s) #1, #2 and #3. These comparable properties sold for prices ranging from \$119.17 to \$149.73 per square foot of living area, including land. The subject's assessment reflects a market value of \$123.61 per square foot of living area including land, which is within the range established by the best comparable sales in this record. Based on this evidence, the Board finds a reduction in the subject's assessment is not justified.

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. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Member



Member



Member



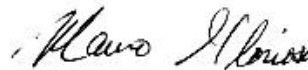
Member

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, 2020



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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

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