



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

APPELLANT: James Stockwell
DOCKET NO.: 13-28350.001-R-1
PARCEL NO.: 12-29-307-011-0000

The parties of record before the Property Tax Appeal Board are James Stockwell, 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 **A Reduction** 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: \$ 2,673
IMPR.: \$ 9,227
TOTAL: \$ 11,900

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 one and one-half-story dwelling of frame construction with 1,573 square feet of living area. The dwelling is 61 years old. Features of the home include a crawl, central air conditioning, and a two-car garage. The property has a 9,720 square foot site, and is located in Northlake, Leyden Township, Cook County. The subject is classified as a class 2-03 property under the Cook County Real Property Assessment Classification Ordinance. No evidence was submitted as to whether the subject was owner occupied.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted sale and adjustment information on five comparable sales.¹ These comparables sold between March 2012 and May 2013 for between \$56,000 and \$80,000, or \$41.09 to \$55.10 per square foot of living area. The appellant also submitted evidence disclosing the subject property was purchased on June 6, 2011 for a price of \$119,000, or \$75.65 per square foot of living area, including land. 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 an "APPROVED SHORT SALE" and that the list price and the sale price were both \$119,000. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$8,035.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$16,672. The subject's assessment reflects a market value of \$166,720, or \$105.99 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 July 2013 for between \$139,000 and \$225,000, or \$108.76 to \$158.79 per square foot of living area. The board of review's evidence also states that the subject sold in June 2011 for \$119,000. The board of review also submitted printouts from the MLS for all five of the appellant's sale comparables. These printouts from the MLS show that appellant's sale comparables #2, #3, #4, and #5 were sold pursuant to a foreclosure, and that appellant's sale comparables #1 and #6 were sold pursuant to a short sale. Moreover, the board of review submitted printouts from the MLS for all four of the board of review's sale comparables. The printouts from the MLS for board of review comparables #3 and #4 explicitly state that these sales were not pursuant to a foreclosure or a short sale. The printouts from the MLS for board of review comparables #1 and #2 do not explicitly address whether these sales were pursuant to a foreclosure or short sale.

The board of review also submitted a supplemental brief arguing that the sale of the subject was a compulsory sale, and therefore, the sale was not an arm's length transaction and the sale price does not represent the subject's fair cash value. The board of review cites Calumet Transfer, LLC v. Property Tax Appeal Bd., 401 Ill.App.3d 652, 655 (1st Dist. 2010) for the proposition that "'fair cash value' is synonymous with 'fair market value' and that the 'best evidence of fair cash value is an arm's-length sale.'" In support of this argument, the board of review submitted a printout from the Cook County Recorder of Deeds' website showing that a *lis pendens* was filed on the subject by CitiMortgage, Inc. against the previous owner of the subject, Jose R. Gomez, on January 5, 2011, that a warranty deed conveyed the subject from Jose R. Gomez to the appellant on June 20, 2011, and that Jose R. Gomez was released from the mortgage upon the subject on July 5, 2011. The board of review also submitted a copy of the *lis pendens*.

¹ The Board notes that the appellant's sale comparables grid lists six sale comparables; however, sale comparable #1 reflects the sale of the subject in June 2011 for \$119,000. For ease of reference, this decision uses the numerical designations attributed to these comparables by the appellant.

In rebuttal, the appellant reaffirmed the evidence previously submitted, and argued that the board of review's comparables are not similar to the subject for various reasons. The appellant also argued that the board of review's argument, based on Calumet Transfer, would equate the terms "fair cash value" and "at arm's length." The appellant also submitted printouts from redfin.com for the board of review's sale comparables, and argued that the descriptive information for the comparables supplied by the board of review differs from the descriptive information found in the redfin.com advertisements.

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 him 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 argued that the appellant's evidence states that the sale of the subject was a compulsory sale. The board of review also argued that the adjustments found in the appellant's "Property Equalization Values" chart were likely generated by an automated system with no human analysis. In rebuttal, counsel argued that the sale of the subject was an arm's length transaction, and 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 meet this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds that the sale of the subject in June 2011 for \$119,000 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 June 2011 is a compulsory sale, in the form of a short sale, based on the appellant's admission in Section IV – Recent Sale Data of the Board's residential appeal form and the printout from the MLS, both of which were

submitted by the appellant, and the printout from the Cook County Recorder of Deeds' website and the *lis pendens*, both of which were submitted by the board of review.

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., 2013 IL App (2d) 100068, ¶ 36 (citing Chrysler Corp. v. Ill. Prop. Tax Appeal Bd., 69 Ill.App.3d 207, 211 (2d Dist. 1979)).

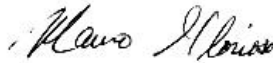
However, the Illinois General Assembly recently provided very clear guidance for the Board with regards to compulsory sales. Section 16-183 of the Illinois Property Tax Code states as follows:

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 appellant submitted five comparable sales, and the board of review submitted information on four comparable sales. The Board finds the appellant did not establish any foundation for the adjustments within the "Property Equalization Values" grid, and, therefore, the Board accords these adjustments no weight. However, the Board will look to the raw sales data for these comparables. The Board finds appellant comparables #2, #3, #4, #5, and #6, and board of review comparables #1, #2, and #4 to be most similar to the subject. These comparables sold for prices ranging from \$41.09 to \$115.74 per square foot of living area, including land. The subject's sale price reflects a market value of \$75.65 per square foot of living area, including land, which is within the range established by the best comparables in this record.

Therefore, the Board finds the best evidence of market value to be the sale of the subject in June 2011 for \$119,000. In further support of the transaction, the appellant submitted the printout from the MLS. The Board finds the purchase price is below the market value reflected by the assessment. Based on this record the Board finds the subject property had a market value of \$119,000 as of January 1, 2013. Since market value has been determined the 2013 statutory level of assessment for class 2 property under the Cook County Real Property Assessment Classification ordinance of 10.00% shall apply. 86 Ill.Admin.Code §1910.50(c)(2).

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.