



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

APPELLANT: Iheanyi Emelogu
DOCKET NO.: 13-30515.001-R-1
PARCEL NO.: 31-28-410-021-0000

The parties of record before the Property Tax Appeal Board are Iheanyi Emelogu, the appellant(s), by attorney Nancy Pina-Campos, Attorney at Law in Broadview; 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: \$3,778
IMPR.: \$22,058
TOTAL: \$25,836

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 consists of a two-story, single-family dwelling of frame and masonry construction with 3,619 square feet of living area. The dwelling was constructed in 1999. The property has a 8,890 square foot site and is located in Richton Park, Rich Township, Cook County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted evidence showing that the subject sold on October 23, 2012 for \$170,000. This evidence included the settlement statement and a copy of the multiple-listing database printout (MLS) that identified the subject's sale as a foreclosure. The appellant's pleadings regarding Section IV- Recent Sale Data confirmed the closing date, sale price, the parties to the transaction were not related, the subject was advertised for sale on the open market for 174 days with a realtor, and it was a foreclosure sale. Lastly, appellant requested that the Board apply the

10% level of assessment as determined by the Cook County Classification Code. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$25,836. The subject's assessment reflects a market value of \$258,360 or \$71.39 per square feet of living area including land using the Cook County Real Estate Classification Ordinance level of assessment for class 2 property of 10%.

In support of the assessment, the board of review submitted a grid listing four sales comparables. These properties sold from December 2010 to March 2013 for prices ranging from \$67.83 to \$106.42 per square foot of living area.

In written rebuttal, the appellant submitted a brief asserting that the board of review's comparables are insufficient.

At hearing, the appellant's attorney called Mr. Rick Robin as a witness. Mr. Robin testified that he has an engineering degree and license. He testified that he is a general contractor.

On voir dire by the board of review, Mr. Robin testified that his highest level of education was a bachelor's of science in electrical engineering. He testified he is not a licensed appraiser and has never been one. He acknowledged that he is the sole owner of Pro Tax Appeal LLC which is incorporated in the State of Illinois. Mr. Robin testified that he retains attorneys on an as needed basis as independent contractors and are paid a monthly flat fee.

Mr. Robin refused to answer if the Pro Tax Appeal receives a contingency fee if the appellant receives a favorable decision by the board of review or the Property Tax Appeal Board. He denied that the attorneys receive a contingency fee. Mr. Robin testified that the client signs the engagement letter allowing Pro Tax Appeal to represent the taxpayer. He testified that Pro Tax Appeal gathers the information in the grid submitted by the appellant. Mr. Robin testified that it is an automated system that generates the information. He testified that he enters the property identification number into the system and the computer generates the information. He testified he developed the automated system and software. Mr. Robin testified that the computer system determines the basis of the appeal. He testified that everything is done by automation.

In regards to the appellant's appeal, the parties rested on the evidence previously 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).

In addressing the appellant's market value argument, the Board finds that the sale of the subject in October 2012 for \$170,000 is 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. 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.

Board of Educ. of Meridian Community Unit School Dist. No. 223 v. Illinois Property Tax Appeal Board, 961 N.E.2d 794, 802, 356 Ill.Dec. 405, 413 (2d Dist. 2011) citing Chrysler Corp. v. Illinois Property Tax Appeal Board, 69 Ill.App.3d 207, 211 387 N.E.2d 351 (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:

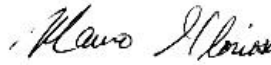
The Property Tax Appeal Board shall consider compulsory sales of the comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer.

35 ILCS 200/16-183. Therefore, the Board is statutorily required to consider the compulsory sale of comparable properties submitted by the parties to revise and/or correct the subject's assessment. The Board finds that the mere assertion that the subject's sale was not at market solely because it is a compulsory sale is accorded no weight without evidence supporting that assertion.

In determining the fair market value of the subject property, the Board looks to the evidence presented by the parties. The Board finds the board of review's comparables set the range of market value for the subject. The appellant did not submit any comparables. The board of review's comparables sold from \$67.83 to \$106.42 per square foot of living area, including land. The subject's assessment reflects a market value of \$71.39 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. Moreover, the subject's sale price of \$170,000 or \$46.97 per square foot of living area, including land is drastically below the range established by the market data.

Accordingly, in determining the fair market value of the subject property, the Board finds that the appellant did not submit sufficient evidence to show the subject was overvalued. Therefore, the Board finds that the appellant has not met its burden by a preponderance of the evidence and that the subject does not warrant a reduction based upon the market data submitted into evidence.

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



Member



Acting 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: _____

February 24, 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.