



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

APPELLANT: Warren Rojek  
DOCKET NO.: 14-25493.001-R-1  
PARCEL NO.: 19-33-107-007-0000

The parties of record before the Property Tax Appeal Board are Warren Rojek, the appellant(s); and the Cook County Board of Review.

Based on the facts and exhibits presented, 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:** \$ 6,483  
**IMPR.:** \$ 4,823  
**TOTAL:** \$ 11,306

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 2014 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-story dwelling of frame construction. The dwelling is 66 years old. Features of the home include a slab and a two-car garage. The property has a 10,374 square foot site, and is located in Burbank, Stickney Township, Cook County. The subject is classified as a class 2-03 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted a comparative sale analysis from a real estate agent, which the appellant calls an "appraisal." The comparative sale analysis used 23 recent sales, nine of which were sold pursuant to a foreclosure and five of which were sold pursuant to a short sale. The comparative sale analysis also included one cancelled listing and one expired listing. Printouts from the MLS were submitted for all 25 of these sales. The improvement sizes for the some of the comparables appeared to be incorrect. For example, the picture of comparable #9 shows a small one and one-half-story dwelling, but its square footage is listed as 10,374 square feet of living area. The same is true for comparable #16, which also shows a modest dwelling, but lists the improvement size as 7,670 square feet of living area. Comparables #1, #20, #23, and #24 have a listed improvement size of zero square feet of living area. The comparative sale analysis concluded that the subject's fair market value was \$86,652. The effective date of the comparative market analysis was not disclosed.

The appellant's evidence states that the subject's improvement size is 1,150 square feet of living area, with no evidence submitted in support of this assertion.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$11,306. The subject's assessment reflects a market value of \$113,857 when applying the 2014 three year average median level of assessment for class 2 property of 9.93% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment, the board of review submitted information on four equity comparables and four sale comparables.

The board of review's evidence states that the subject's improvement size is 1,512 square feet of living area, with no evidence submitted in support of this assertion.

In rebuttal, the appellant argued that the board of review's comparables were not similar to the subject for various reasons.

#### **Conclusion of Law**

Initially, the Board finds that the subject's improvement size is 1,512 square feet of living area. "Standard of proof.

Unless otherwise provided by law or stated in the agency's rules, the standard of proof in any contested case hearing conducted under this Act by an agency shall be the preponderance of the evidence." 5 ILCS 100/10-15. The appellant submitted no evidence in support of the assertion that the subject's improvement size was 1,150 square feet of living area. Therefore, the Board finds that the appellant has failed to prove, by a preponderance of the evidence, that the subject's improvement size is 1,150 square feet. The Board further finds that the subject's improvement size is 1,512 square feet of living area, and that the subject's market value is \$75.30 per square foot of living area, including land, when applying the 2014 three year average median level of assessment for class 2 property of 9.93% as determined by the Illinois Department of Revenue.

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 does not find the value conclusions found in the comparative sale analysis persuasive. The comparative sale analysis is not an appraisal, and was not prepared by a licensed appraiser. However, the Board will analyze the raw sales data submitted by the parties, including the raw sales data found in the comparative sale analysis.

Initially, the Board finds that comparables #2, #3, #5, #6, #7, #8, #9, #10, #11, #12, #14, #15, #21 and #23 submitted by the appellant in the comparative market analysis were "compulsory sales." 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 comparative market analysis states that comparables #2, #3, #5, #6, #8, #11, #12, #15, and #23 were foreclosures, and that comparables #7, #9, #10, #14, and #21 were short sales. Based on this admission, the Board finds that these sale comparables were compulsory sales.

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, 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 submitted by the appellant.

The Board finds the best evidence of market value to be appellant's comparables #8, #10, #15, and #19, which are all found in the comparative market analysis. These comparables sold for prices ranging from \$47.19 to \$78.99 per square foot of living area, including land. The subject's assessment reflects a market value of \$75.30 per square foot of living area, including land, which is within the range established by the best comparables in this record. Based on this record, the

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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.

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Chairman

*K. L. Fan*

*Mario Alvarez*

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Member

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Member

*JR*

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Member

\_\_\_\_\_  
Acting Member

*Robert Steffen*

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Acting Member

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

C E R T I F I C A T I O N

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 19, 2016

*A. Proctor*

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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.