



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

APPELLANT: 2608 Montrose, LLC
DOCKET NO.: 14-27679.001-R-1
PARCEL NO.: 13-13-230-009-0000

The parties of record before the Property Tax Appeal Board are 2608 Montrose, LLC, the appellant(s), by attorney Alan D. Skidelsky, of Skidelsky & Associates, P.C. in Chicago; 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: \$5,937
IMPR.: \$61,245
TOTAL: \$67,182

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

Findings of Fact

The subject property consists of two improvements. Improvement #1 is a two-story, three-unit apartment building of masonry construction with 2,520 square feet of living area. Improvement #2 is a two-story, single-family dwelling of masonry construction with 2,580 square feet of living area. The dwellings were constructed in 1920. The property has a 3,125 square foot site and is located in Chicago, Jefferson 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 was sold to the appellant by Rory Fiedler on May 26, 2011 for \$550,000. This evidence included the settlement statement. In addition, the appellant submitted an affidavit by Anthony Skorbowski, member of the 2608 Montrose LLC. Mr. Skorbowski attested that he is a member of the 2608 Montrose LLC, subject property includes two improvements, and the settlement statement is a true and correct copy. 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 \$67,182. The subject's assessment reflects a market value of \$671,182 or \$131.73 per square foot of living area, including land when applying a 10% level of assessment as determined by the Cook County Classification Code.

In support of the assessment, the board of review submitted four sale comparables for each improvement. Based on this evidence, the appellant requested a reduction in the subject's assessment.

At hearing, Ms. Lauren Ruffo testified that she is a one-half member of 2608 Montrose LLC which owns real estate investment properties and purchased the subject property on May 26, 2011. Ms. Ruffo testimony confirmed: the sale date; the sale price; subject was believed to be advertised for sale on the MLS; and was a cash purchase with multiple offers. Ms. Ruffo also testified that renovations totaling \$20,000 were completed. Lastly, Ms. Ruffo testified that the subject was a short sale with a payoff to Wells Fargo Bank.

The appellant's attorney and board of review analyst reaffirmed and reviewed the evidence submitted. Appellant's attorney states that the short sale was at fair market value and that the board of review's evidence includes unsupported sale data with no specific information regarding closing conditions. The board of review analyst testified that since the appellant failed to execute Section IV of the appeal form and per a prior 2012 decision, a reduction should not be granted. Lastly, the appellant's attorney stated that the appellant's testimony overrides failure to execute appeal form.

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.

In addressing the appellant's market value argument, the Board finds that the sale of the subject in May 2011 for \$550,000 or \$107.84 per square feet of living area is a "compulsory sale." The appellant's testimony and settlement statement confirmed that the sale was a short sale action. 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 evidence submitted disclosed the subject's sale was a compulsory sale. In determining the fair market value of the subject property, the Board looks to the evidence presented by the parties. The Board gave little weight to the subject's sale due to the lack of information regarding the arm's-length nature of the sale. The appellant failed to complete Section IV - Recent Sale Data of the appeal. The Property Tax Appeal Board's appeal form is not vague as to whether Section IV is to be completed when arguing overvaluation based on a recent sale. The appellant's testimony did disclose the parties to the transaction were not related and the property was sold by the owner, however, the appellant did not disclose affirmatively whether the subject was advertised on the open market, the specific manner in which the property was marketed, and the length of time the subject was marketed. The appellant submitted a copy of the settlement statement which did not disclose the length of market exposure, which is an important element of determining whether an arm's length transaction occurred. Lastly, the board of review submitted four sale comparables which sold from June 2012 to May 2013 for prices ranging from \$225.69 to \$446.51 per square foot of living area, including land. The subject's assessment reflects a market value of \$131.73 per square foot of living area, including land, which is below the range established by the best comparable sales in this record. Moreover, the subject's sale price of \$550,000 or \$107.84 per square foot of living area, including land is below the range established by the market data. Based on this record the Board finds the subject's assessment is reflective of market value and 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.



Chairman



Member



Acting 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: August 18, 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.