



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

APPELLANT: Andy Bobrowski  
DOCKET NO.: 14-34382.001-R-1  
PARCEL NO.: 16-11-126-018-0000

The parties of record before the Property Tax Appeal Board are Andy Bobrowski, the appellant(s), by attorney Noah J. Schmidt, of Schmidt Salzman & Moran, Ltd. 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:** \$ 3,000  
**IMPR.:** \$ 7,815  
**TOTAL:** \$ 10,815

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 16-185 of the Property Tax Code (35 ILCS 200/16-185) 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 and one-half-story dwelling of masonry construction with 1,403 square feet of living area. The dwelling is 136 years old. Features of the home include a full basement with a formal recreation room and a two-car garage. The property has a 3,000 square foot site, and is located in Chicago, West Chicago 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 assessment inequity as the basis of the appeal. In support of this argument, the appellant submitted information on five equity comparables.

The appellant also contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on April 20, 2012 for a price of \$19,900, or \$14.18 per square foot of living area, including land. The settlement statement submitted by the appellant states that the seller of the subject was Aurora Loan Services.

The appellant also submitted the Board's decision in docket number 13-26222.001-R-1. In that decision, the Board reduced the subject's assessment to \$1,990. The decision did not make any findings regarding whether the subject was owner occupied. Based on this evidence, the appellant requested a reduction in the subject's assessment to the previous year's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$10,815. The subject property has an improvement assessment of \$7,815, or \$5.57 per square foot of living area. The subject's assessment reflects a market value of \$108,150, or \$77.08 per square foot of living area, including land, when applying the 2014 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 information on eight equity comparables and four sale comparables. These comparables sold between June 2011 and June 2014 for between \$100,000 and \$155,000, or \$79.37 to \$135.96 per square foot of living area.

The board of review also submitted a supplemental brief arguing that the subject is not owner occupied, and, therefore, Section 16-185 of the Property Tax Code is not applicable. In support of this assertion, the board of review submitted a printout from the Cook County Assessor's website showing that the subject did not receive any exemptions for tax year 2014. The supplemental brief further argued 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. 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 recorded on the subject by Aurora Loan Services, LLC on March 26, 2010, that the Intercounty Judicial Sales Corporation conveyed the subject to Aurora Loan Services, LLC via a deed recorded on April 4, 2012, and that Aurora Loan Services, LLC conveyed the subject to the appellant via a special warranty deed recorded on May 3, 2012.

### **Conclusion of Law**

While the appellant did not expressly request a reduction based on Section 16-185 of the Property Tax Code, for the purpose of completeness, the Board will address this statutory provision. Section 16-185 of the Illinois Property Tax Code provides, in relevant part:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a *residence occupied by the owner is situated*, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction

establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

35 ILCS 200/16-185 (emphasis added). Moreover, "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 Board takes judicial notice that it rendered a decision lowering the subject's assessment in tax year 2013, and that 2013 and 2014 are in the same general assessment period for West Chicago Township. The record contains no evidence indicating that the Board's 2013 decision was reversed or modified upon review. However, no evidence was submitted to show that the subject is owner occupied, which is an element that must be proven by a preponderance of the evidence, *id.*, for the Board to grant a reduction under Section 16-185 of the Property Tax Code. While the printout from the Cook County Assessor's website showing that the subject did not receive any exemptions for tax year 2014 tends to indicate that the appellant is not the occupant of the subject, such a conclusion may be unjustified, as the appellant may have simply not taken a homeowner's exemption that could have rightfully been taken. In any case, there is no evidence in the record to show that the subject was owner occupied. Therefore, the Board finds that the appellant has not proven, by a preponderance of the evidence, that the subject is owner occupied, and a reduction is not warranted based on Section 16-185 of the Property Tax Code.

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 finds that the sale of the subject in April 2012 for \$19,900 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 October 2014 is a compulsory sale, in the form of a foreclosure, based on the printout from the Cook County Recorder of Deeds' website 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., 2012 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 has provided 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. Id. In considering the compulsory sale of the subject, the Board may look to the market value evidence submitted by the parties to determine whether the purchase price was at the subject's fair market value. 86 Ill.Admin.Code §1910.65(c). Such evidence may consist of the sales of comparables properties. 86 Ill.Admin.Code §1910.65(c)(4); see, Calumet Transfer, LLC v. Ill. Prop. Tax Appeal Bd., 401 Ill.App.3d 652, 655-56 (1st Dist. 2010) (“[The Board] allowed the [intervenor] to challenge the arm's-length nature of the transaction by offering evidence of comparable property sales. This was permissible under paragraph (4) of section 1910.65(c).”). In this appeal, the board of review submitted information on four comparable sales. The Board finds board of review comparables #5, #7, and #8 to be most similar to the subject. These comparables sold for prices ranging from \$79.37 to \$135.96 per square foot of living area, including land. The subject's sale price reflects a market value of \$14.18 per square foot of living area, including land, which is below the range established by the best comparables in this record. Moreover, the subject's current assessment reflects a market value of \$77.08 per square foot of living area, including land, which is slightly below this range. Therefore, the Board finds that the sale of the subject in April 2012 for \$19,900 was below the subject's fair cash value. Since there is no evidence that the sale price of the subject was at its fair cash value, the Board finds that the appellant has not proven, by a preponderance of the evidence, that the subject is overvalued and a reduction is not warranted.

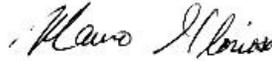
While the Board is required to consider each appeal on the evidence in the record, 35 ILCS 200/16-185, the Board finds it necessary to reconcile the instant decision with that made in docket number 13-26222.001-R-1, the previous year's decision for the subject. In the previous year's decision, the Board reduced the subject's assessment based on the sale of the subject in April 2012 for \$19,900. The board of review presented no evidence, and made no argument, that this sale was not representative of the subject's fair cash value. Accordingly, the Board found the subject's correct assessment for tax year 2013 to be \$1,990. That is not the case in the instant appeal, where the board of review submitted a supplemental brief arguing that the sale was a compulsory sale, and not representative of the subject's fair cash value. Moreover, the board of review presented evidence that the subject was sold pursuant to a foreclosure by

submitting the printout from the Cook County Recorder of Deeds' website. The board of review also submitted evidence of what the market for the subject was as of January 1, 2014 by submitting four comparable sales. Thus, in the instant appeal, the board of review made arguments, and submitted evidence in support of those arguments, which is something it did not do in the previous year's appeal. Such arguments and evidence distinguish this appeal from the previous year's appeal, and warrant a different result.

The taxpayer contends assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). 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 finds the best evidence of assessment equity to be board of review comparables #1, #2, #3, #5, #7, and #8. These comparables had improvement assessments that ranged from \$5.80 to \$9.48 per square foot of living area. The subject's assessment of \$5.57 per square foot of living area falls below the range established by the best comparables in this record. Based on this record, the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed, 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. Pursuant to Section 1910.50(b) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(b)) 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



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: January 16, 2018



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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