



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

APPELLANT: Ohr HaBoker Chicago, LLC
DOCKET NO.: 14-35899.001-R-1
PARCEL NO.: 25-17-213-010-0000

The parties of record before the Property Tax Appeal Board are Ohr HaBoker Chicago, LLC, the appellant(s), by attorney Stephanie Park, of Park & Longstreet, P.C. in Rolling Meadows; 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: \$1,470
IMPR.: \$7,435
TOTAL: \$8,905

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 a one-story, single family dwelling of frame construction containing 1,161 square feet of living area. The dwelling was constructed in 1932. The property has a 3,267 square foot site and is located in Chicago, Lake 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 August 11, 2011 for \$36,000. This evidence included a prior Board decision, a copy of the settlement statement, and an agent affidavit attesting to the subject's sale date, sale price, that the purchase was not between related parties, that the subject was listed on the open market, the seller's mortgage not assumed, and was an arm's length transaction. The appellant's pleadings regarding Section IV- Recent Sale Data confirmed: the closing date; sale price; the parties to the transaction were not related; \$19,000 renovation costs; and that the subject was advertised for sale with a realtor for four to

five months. The appellant submitted four sale comparables. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$27,500.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$8,905. The subject's assessment reflects a market value of \$89,500 or \$76.70 per square foot of building area, including land, when applying the 2014 level of assessment for class 2-03 property under the Cook County Real Property Assessment Classification Ordinance of 10%. The board of review submitted four sale comparables.

The board of review also submitted a brief in which it argued the subject's sale was compulsory because it was not at arm's-length for fair cash value. The board of review appended a deed trail to the brief disclosing that a *lis pendens* was recorded against the subject on October 7, 2010 and an unrelated Board decision.

In rebuttal, the appellant's attorney stated that compulsory sales are arm's length transactions and at fair market value citing prior Board decisions and that the board of review submitted insufficient evidence to refute arm's length nature of the subject's sale in 2011.

At hearing, the appellant confirmed that the subject's recent sale was an arm's length transaction supported by the seller's affidavit and settlement statement. The appellant also stated that the subject was a short sale and reiterated its argument that the sale was at arm's-length for fair cash value. The appellant argued, at length, that a conveyance may still be at arm's-length and that prior Board decisions provide proof that compulsory sales are at market value and included many sub-arguments that did not address the issues raised. Lastly, the appellant stated that the board of review did not refute that the arm's length nature of the subject's recent sale and that an REO sale is proof of market value. The board of review analyst rested on the evidence.

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 no merit in the appellant's and the board of review's arguments that the Property Tax Appeal Board should reduce the subject's 2014 assessment because of prior Board decisions. Section 16-180 of the Property Tax Code states in pertinent part, "All proceedings before the Property Tax Appeal Board shall be considered de novo..." De novo review occurs when an issue is decided without deference to a previous court's decision. Accordingly, the Board grants no weight to the appellant's argument and finds a reduction in the subject's assessment, on this basis, is not warranted.

In addressing the appellant's market value argument, the Board finds that the sale of the subject in August 2011 for \$36,000 is a "compulsory sale." The pleadings and hearing evidence disclosed the subject was a short 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 subject's sale price in August 2011 is reflective of the market value in 2011 and not the 2014 tax lien year. The 2011 sale date is too far removed in time from the January 1, 2014 lien date. Furthermore, the year the subject was sold was in a different assessment triennial than the 2014 tax year. Based on this evidence, the Board finds a reduction in the subject's assessment is not justified.

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 finds the appellant's comparable #2 and the board of review's comparables #1, #3 and #4 set the range of market value for the subject. The comparables sold from August 2012 to October 2013 prices ranging from \$34.14 to \$125.44 per square foot of living area, including land. These comparables are similar in size, sale date, age, and location. The subject's assessment reflects a market value of \$76.70 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. 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. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) 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



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: April 21, 2020



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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