



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

APPELLANT: Emad Toma
DOCKET NO.: 15-21062.001-R-1
PARCEL NO.: 11-31-314-020-0000

The parties of record before the Property Tax Appeal Board are Emad Toma, the appellant(s); 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: \$8,370
IMPR.: \$31,019
TOTAL: \$39,389

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 2015 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 is a 92 year-old, two-story dwelling of masonry construction containing 3,740 square feet of living area. Features of the home include a full basement finished with an apartment and a two-car garage. The property has a 5,580 square foot site located in Rogers Park Township, Cook County. The property is a Class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted settlement statement disclosing the subject property was purchased on November 21, 2014 by Emad Toma and Sabha A. Yousif for \$225,000 in an all-cash transaction from seller, Mary P. Jones. The subject's sale price reflects a market value of \$60.16 per square foot of living area including land. The appellant also submitted a Multiple Listing Service (hereinafter, "MLS") listing information sheet disclosed the subject was offered as a short sale, and affidavits previously filed with the Cook County Assessor. The appellant included

information in Section IV–Recent Sale Data of the Residential Appeal that the subject was not sold as a transfer between related parties, and was advertised and sold through a realtor. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price when using the 2015 level of assessment of 10.00% for Class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$39,389. The subject's assessment reflects a market value of \$393,890, or \$105.32 per square foot of living area, when using the 2015 level of assessment of 10.00% for Class 2 property 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 four suggested comparable sales. The board of review also submitted a brief arguing that the subject property was sold short and, therefore, not for fair cash value. Appended to the brief was a history of recorded documents, commonly known as a deed trail; a *Lis Pendens* and Notice of Foreclosure; and a Redfin listing information sheet disclosing the subject was sold short. The caption of the Notice included the name of Mary Pat Jones as one of the defendants. The deed trail disclosed a Warranty Deed was conveyed from Mary P. Jones to Sabha A. Yousif, one of the purchasers of the subject property and whose name appears on the settlement statement with that of the appellant, Emad Toma.

In rebuttal, the appellant argued that the comparables submitted as evidence by the board of review should be given diminished weight because they were dissimilar to the subject in various key property characteristics. The appellant included copies of various statutes and a copy of a Residential Real Property Disclosure Report. The appellant reaffirmed the request for an assessment reduction.

At hearing, the appellant testified that he purchased the subject property in a short sale. He purchased through a realtor and asserted that the purchase was at arm's-length. The appellant reaffirmed the request for an assessment reduction. The board of review object to admission of new evidence in the appellant's 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 the appellant has not met 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 November 2014 for \$225,000 is a "compulsory sale." The documentary evidence submitted by all parties and hearing testimony disclosed the subject was sold short and was, therefore, 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.

Bd. of Educ. of Meridian Cmty. Unit Sch. Dist. No. 223 v. Ill. Prop. Tax Appeal Bd., 961 N.E. 2d 794, 802 (2d Dist. 2011) (citing Chrysler Corp. v. Ill. Prop. Tax Appeal Bd., 69 Ill. App. 3d 207, 211 (2d Dist. 1979)).

However, the Illinois General Assembly recently provided very clear guidance for the Board regarding 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 compulsory sales of comparable properties submitted by the parties to revise and/or correct the subject's assessment.

The board of review's objection to the contents of the appellant's documentary rebuttal evidence is overruled. The rebuttal evidence consisted of MLS listing sheets of the board of review's submitted sale comparables, and of various statutes. The Board finds that the appellant's MLS listing sheets are not new evidence, but are proper rebuttal of the board of review's evidence. *Compare* 86 Ill.Admin.Code §1910.66(c). The various statutes are in the public domain and the Board takes official notice of them regardless of whether they were previously disclosed by the appellant or not. *See* 86 Ill.Admin.Code §1910.90(i).

In determining the fair cash value of the subject property, the Board may consider the evidence presented by the parties. The appellant did not submit comparables or other evidence to establish that the sale of the subject was for fair cash value. The board of review submitted sale comparables that contained property characteristics similar to the subject's that sold from 2014 through 2015 for prices ranging from \$107.43 to \$136.65 per square foot of living area, including land. The subject's assessment reflects a market value of \$105.32 per square foot of living area, including land, which is below the range established by the best comparable sales in

this record. The subject's sale price of \$225,000, or \$60.16 per square foot of living area, including land is below the range established by the market data.

In determining the fair cash value of the subject property and all relevant factors, 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(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: December 19, 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 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

AGENCY

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