



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

APPELLANT: Chase Condominiums
DOCKET NO.: 15-22112.001-R-1 through 15-22112.009-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Chase Condominiums, the appellant(s), by attorney Abby L. Strauss, of Schiller Strauss & Lavin PC 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
15-22112.001-R-1	11-30-422-030-1001	1,185	16,155	\$ 17,340
15-22112.002-R-1	11-30-422-030-1002	944	12,873	\$ 13,817
15-22112.003-R-1	11-30-422-030-1003	947	12,913	\$ 13,860
15-22112.004-R-1	11-30-422-030-1004	1,283	17,483	\$ 18,766
15-22112.005-R-1	11-30-422-030-1005	1,015	13,843	\$ 14,858
15-22112.006-R-1	11-30-422-030-1006	993	13,537	\$ 14,530
15-22112.007-R-1	11-30-422-030-1007	1,331	18,147	\$ 19,478
15-22112.008-R-1	11-30-422-030-1008	1,015	13,843	\$ 14,858
15-22112.009-R-1	11-30-422-030-1009	1,031	14,055	\$ 15,086

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 (the "Board") finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject consists of nine condominium units with a combined 100.00% ownership interest in the common elements. The property is located in Chicago, Rogers Park Township, Cook County. The subject is classified as a class 2-99 property under the Cook County Real Property

Assessment Classification Ordinance. No evidence was submitted as to whether any of the units were owner-occupied.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted evidence that two of the subject units recently sold. The first recently sold unit has the PIN ending in -1004, and sold on January 16, 2014 for a price of \$65,625. According to the printout from the MLS submitted by the appellant, this sale was a short sale, and the property was advertised for sale on the open market for 191 days. Moreover, the printout from the MLS states that the property was sold via an online auction, that is was “[b]argain priced,” and that, for some of the time that the unit was on the market, a tenant occupied the property. The settlement statement submitted by the appellant shows that the seller did not receive any funds from the sale of the property, and that \$50,479.54 (or nearly 77.0% of the sale price) went to Nationstar Lending, LLC to pay off the seller’s mortgage on the property.

The second recently sold unit has the PIN ending in -1006, and sold on May 20, 2013 for a price of \$53,000. According to the printout from the MLS submitted by the appellant, this sale was a foreclosure, and the property was advertised for sale on the open market for 28 days. Moreover, the printout from the MLS states “Owner Occupants ONLY!!!”

The appellant requested that a deduction of 3.0% for personal property be subtracted from the aggregate sale price of these two units of \$118,625. The sold units’ percentage of ownership of 23.35% was then utilized to arrive at a total market value for the building of \$492,788. Based on this evidence, the appellant requested a reduction in the subject’s assessment to \$49,279.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$142,593. The subject's assessment reflects a market value of \$1,425,930 when applying the 2015 statutory level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10.00%.

In support of the subject's assessment, the board of review submitted a memorandum, which shows that five units in a condominium building near the subject, or 28.47% of ownership, sold from February 2013 to February 2015 for an aggregate price of \$820,500. A reduction of 6.00% for personal property was deducted from the aggregate sales price, and then divided by the percentage of interest of the units sold to arrive at a total market value for the building of \$2,709,062. No description of these sale comparables were included with the board of review’s evidence.

The board of review also submitted a supplemental brief arguing that the recent sales submitted by the appellant were both compulsory sales, and therefore, these sales were not arm’s length transactions and the sale prices do not represent the units’ fair cash value. In support of this argument, the board of review submitted two printouts from the Cook County Recorder of Deeds’ website. The first printout shows that a *lis pendens* was filed on the unit with PIN -1004 by Nationstar Mortgage LLC on June 24, 2013, and that a warranty deed was filed on February 4, 2014. The second printout shows that: a *lis pendens* was filed on the unit with PIN -1006 by OneWest Bank on October 6, 2010; that a deed was filed whereby the Intercounty Judicial Sales Corp. conveyed the property to OWB REO LLC on April 2, 2013, and that a special warranty deed was filed conveying the property on May 22, 2013.

In rebuttal, the appellant argued that the board of review's comparables were located outside the subject's building, and should be given no weight.

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.

The Board finds that the sale of the subject unit with PIN -1004 in January 2014 for \$65,625 was a "compulsory sale." The Board similarly finds that the sale of the subject unit with PIN -1006 in May 2013 for \$53,000 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 PIN -1004 is a compulsory sale, in the form of a short sale, based on the settlement statement and printout from the MLS submitted by the appellant, and the printout from the Cook County Recorder of Deeds' website submitted by the board of review. The Board finds that the sale of PIN -1006 is a compulsory sale, in the form of a foreclosure, based on the settlement statement and printout from the MLS submitted by the appellant, and 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. In this appeal, the parties submitted two compulsory sales, both of which are discussed above. In considering these sales, the Board finds that they do not provide any probative value in determining the market value of the subject.

“[T]he sale price of property does not necessarily establish its value without further information on the relationship of the buyer and seller *and other circumstances.*” Residential Real Estate Co. v. Ill. Prop. Tax Appeal Bd., 188 Ill.App.3d 232 (5th Dist. 1989) (citing Ellsworth Grain Co. v. Ill. Prop. Tax Appeal Bd., 172 Ill.App.3d 552 (4th Dist. 1988)) (emphasis added).

The sale of PIN -1004 was done through an online auction, and there is no evidence in the record which states the criteria that was used in selecting the winning bid. Such information is relevant in determining whether the auction's winning bid accurately reflects PIN -1004's fair market value. Moreover, the printout from the MLS states that the property was “[b]argain priced,” indicating that the sale price was below market value. Thus, the Board finds that this sale, while allegedly at arm's-length, was not at fair market value. See id.

The sale of PIN -1006 was offered for sale to “owner occupants only.” As such, the property was only available to a limited market, which excluded buyers seeking to purchase it as an investment property. This market exclusion is relevant, as PIN -1004 was occupied by a tenant during a portion of the time that it was listed for sale. This fact shows that the units in the subject's building were owned by investors, and that investors could have been potential buyers for PIN -1006, but for the “owner occupants only” exclusion. Moreover, the property was only listed on the market for 28 days. Such a short period of exposure to a closed market dampens this sale's usefulness, as the evidence tends to indicate that, while allegedly at arm's-length, it was not a sale at fair market value. See id.

The board of review's sale comparables were given no weight in the Board's analysis, as these were sales of units outside the subject's building, and no descriptive evidence was included to show these comparables' percentage of ownership, square footage, finishes, etc. There is no further evidence in the record to show that the subject was overvalued. Therefore, the Board finds that the appellant has not proven, by a preponderance of the evidence, that the subject is overvalued, and a reduction in the subject's assessment is not warranted.

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

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