



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

APPELLANT: Peter Bernal
DOCKET NO.: 15-24136.001-R-1
PARCEL NO.: 28-09-206-038-1001

The parties of record before the Property Tax Appeal Board are Peter Bernal, the appellant(s), by attorney Joe Lee Huang, of the Law Offices of Terrence Kennedy Jr. 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 **A Reduction** 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: \$ 1,230
IMPR.: \$ 7,871
TOTAL: \$ 9,101

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 a condominium unit with a 28.80% ownership interest in the common elements. The property is located in Oak Forest, Bremen 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 the subject was owner occupied.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted sale information on five sale comparables from within the subject's building. The comparable with the PIN ending in -1003 was purchased in July 2016 for \$45,000. The remaining four comparables were purchased in a bulk sale transaction in November 2015 with an aggregate purchase price of \$180,000. The appellant asserts that when the bulk purchase price is

divided by the percentage of ownership for each of these four units, the sale price per unit ranges from \$42,930 to \$45,756. The appellant also submitted evidence disclosing the subject property was purchased on March 27, 2012 for a price of \$30,000. The printout from the MLS submitted by the appellant states that the sale was pursuant to a foreclosure. Based on this evidence, the appellant requested a reduction in the subject's assessment to 10.00% of the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$9,460. The subject's assessment reflects a market value of \$94,600 when applying the 2015 statutory level of assessment for class 2 property of 10.00% under the Cook County Real Property Assessment Classification Ordinance.

In support of the subject's assessment, the board of review submitted a memorandum, which shows that one unit in the subject's building plus the sale of the subject in March 2012, or 43.23% of ownership, sold from July 2007 to March 2012 for an aggregate price of \$142,000. The aggregate sales price was then divided by the percentage of interest of the units sold to arrive at a total market value for the building of \$328,475.

At hearing, counsel for the appellant reaffirmed the evidence previously submitted, and also admitted that the sale of the subject in March 2012 was a compulsory sale. The board of review analyst sought to admit into evidence a copy of a printout from the Cook County Recorder of Deeds' website, showing that a *lis pendens* was filed on the subject on December 15, 2009. This printout was accepted into evidence, without objection from the appellant, and marked as "Board of Review Exhibit #1." The board of review analyst argued that the printout shows that the sale of the subject in March 2012 was a compulsory sale under Section 1-23 of the Property Tax Code, and that this sale price does not represent the subject's fair market value. The board of review analyst also reaffirmed the evidence previously submitted.

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 meet this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds that the sale of the subject in March 2012 for \$30,000 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 the subject is a compulsory sale, in the form of a foreclosure, based on the printout from the MLS submitted by the appellant, which states that the sale was pursuant to a foreclosure.

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 the instant appeal, the appellant submitted information on five sale comparables, and the board of review submitted information on one comparable sale. The Board finds appellant comparables #1, #2, #3, #4, and #5 to be most similar to the subject. The board of review's comparable was given no weight in the Board's analysis because it occurred in July 2007, which is too remote in time to accurately depict the market for the subject as of January 1, 2015. These comparables sold for prices ranging from \$42,930 to \$45,756. The subject's sale price reflects a market value of \$30,000, which is below the range established by the best comparables in this record. Therefore, the Board finds that the sale of the subject in March 2012 for \$30,000 was below the subject's fair market value.

However, the subject's current assessment reflects a market value of \$94,600, which is above the range established by the most similar comparables in the record. In determining the subject's correct assessment, the Board will take the subject and the comparables' respective percentage of

ownerships into consideration in accordance with the Condominium Property Act. 765 ILCS 605/10(a) (“Real property taxes, special assessments, and any other special taxes or charges of the State of Illinois or of any political subdivision thereof, or other lawful taxing or assessing body, which are authorized by law to be assessed against and levied upon real property shall be assessed against and levied upon each unit and the owner's corresponding percentage of ownership in the common elements as a tract, and not upon the property as a whole.”). The aggregate sale price of these sales is \$225,000, and, using these units' total percentage of ownership of 71.20%, a total value for the building is \$316,011. Using the subject's percentage of ownership of 28.80% results in a market value of \$91,011. Therefore, the Board finds that the appellant has proven, by a preponderance of the evidence, that the subject is overvalued, and a reduction in the subject's assessment is 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(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: December 18, 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

AGENCY

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Peter Bernal, by attorney:
Joe Lee Huang
Law Offices of Terrence Kennedy Jr.
180 North LaSalle Street
Suite 2650
Chicago, IL 60601-2712

COUNTY

Cook County Board of Review
County Building, Room 601
118 North Clark Street
Chicago, IL 60602