



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

APPELLANT: Bozenna Garus
DOCKET NO.: 15-25900.001-R-1
PARCEL NO.: 12-25-228-039-1001

The parties of record before the Property Tax Appeal Board are Bozenna Garus, 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 **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: \$349
IMPR.: \$3,851
TOTAL: \$4,200

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 residential condominium unit contained in a 48 year-old, 12-unit two-story residential condominium building of masonry construction and containing 700 square feet of living area. The property has a 6,058 square foot site and is located in Leyden Township, Cook County. The property is a Class 2-99 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant argues the subject was overvalued based on the recent sale of the subject and on sales market value comparisons. In support of the overvaluation argument based on a recent sale, the appellant submitted a Multiple Listing Service information sheet disclosing the subject property was sold short on October 28, 2013 for a price of \$42,000. The appellant also submitted 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. In support of the sales market value comparison overvaluation argument, the appellant submitted

four suggested sale comparables. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$3,500.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$5,094. The subject's assessment reflects a market value of \$50,940 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 a condominium analysis with information on suggested comparable sales for three units in the building which sold from 2007 through 2013 for a sales total of \$209,000. One of these units, designated as Property Index Number 1011 (hereinafter, "PIN 1011") consisted of 8.437% of the common elements. The board of review applied a 10.00% market value reduction for personal property to arrive at an adjusted market value of \$188,102 of the three units sold. The board of review disclosed the units sold consisted of 24.897% of all units in the building. The result was a full value of the property at \$755,520. Since the subject was 8.23% of all the units, the board of review suggested the market value of the subject to be \$62,179.

The board of review also submitted information of recorded documents pertaining to the subject. These documents disclose: 1) a *lis pendens* and notice of foreclosure were recorded by BAC Home Loans Servicing LP against grantee Bolanos on October 20, 2009; and 2) a Deed in Trust for \$42,000 was granted by Bolanos to a trust.

In rebuttal, the appellant argued that the board of review erred in using a 2007 sale in its condominium analysis. The appellant reaffirmed the request for an assessment reduction.

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

In addressing the appellant's market value argument, the Board finds that the sale of the subject in October 2013 for \$42,000 is a "compulsory sale." The evidence submitted by both the appellant and the board of review disclosed that the sale of the subject property was compulsory. The appellant also failed to submit sufficient evidence in support of the 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, when there was a recent sale of the subject, and that sale was compulsory, the Board may consider evidence which would show whether the sale price was representative of the subject's fair cash value. The Illinois General Assembly recently provided 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 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.

In determining the fair market value of the subject property, the Board may look to other evidence presented by the parties. Although the appellant's recent sale appears to have been a compulsory sale, it does not reflect the fair market value based upon an analysis of recent sales of comparable properties. The Board finds the appellant's comparables #1, #2 and #3 set the range of market value for the subject. These comparables were similar to the subject in location, style, construction, features, age, living area and land area. They ranged from \$44.29 to \$57.14 per square foot of living area including land. Although the board of review's evidence disclosed PIN 1011 in the building sold in March 2013 for \$42,000, there is insufficient evidence of its similarity to the subject property. The only evidence submitted was that PIN 1011 consisted of a larger percentage of the common elements than the subject unit. The subject's assessment reflects a market value of \$60.00 per square foot of living area, including land, which is above the range established by the best comparable sales in this record. Since the sale price of the subject was below the best comparables, the Board finds that the subject is overvalued and holds that a reduction 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.



Chairman



Member



Acting Member



Member



Acting 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: June 23, 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 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 the subsequent year 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.

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.