



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

APPELLANT: American Home Health Care Inc.
DOCKET NO.: 15-30203.001-R-1 through 15-30203.002-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are American Home Health Care Inc., 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 **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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
15-30203.001-R-1	26-06-200-022-0000	3,127	11,479	\$14,606
15-30203.002-R-1	26-06-200-023-0000	3,127	0	\$3,127

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 consists of a two-story, apartment building of frame construction with 2,756 square feet of living area. The second parcel is a vacant parcel of land adjacent to the subject property. The building was constructed in 1909. The property has a 3,475 square foot site and is located in Chicago, Hyde Park 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 March 25, 2013 for \$11,100. This evidence included a copy of the settlement statement and an owner 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; and that the subject was

advertised for sale on the open market and on the MLS. The appellant also submitted four sale comparables that sold from September 2012 to September 2014 for prices ranging from \$29,000 to \$145,000. The appellant's pleadings state that the subject's land parcel (PIN #26-06-200-023-0000) is not included in the appeal. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the improved subject parcel of \$17,166. The subject's assessment reflects a market value of \$171,660 or \$62.28 per square foot of building area, including land, when applying the 2015 level of assessment for class 2-11 property under the Cook County Real Property Assessment Classification Ordinance of 10%.

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 a *lis pendens* was recorded against the seller on July 15, 2011 and a unrelated 2011 Board decision.

In rebuttal, the appellant reiterated its argument that the sale was at arm's-length for fair cash value. The appellant argued, at length, that a conveyance by a Special Warranty Deed may still be at arm's-length, prior Board decisions provide proof that compulsory sales are at market value and included many sub-arguments that did not address the issues raised. The appellant also stated that the board of review did not refute that the arm's length nature of the subject's recent sale including the four sale comparables. The appellant reaffirmed the request for an assessment reduction.

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. In addition, the appellant reviewed the sale comparable evidence supporting the subject's sale price. The board of review analyst testified that the *lis pendens* recorded against the subject in 2013 confirms the subject was a compulsory sale and not sold at fair cash value. The appellant's attorney distinguished the board of review's sale comparables based on size. The appellant's attorney stated that an REO sale is an arm's length transaction because it was advertised for sale on the MLS and that Section IV of the appeal form states that a recent sale is the best evidence of value.

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 board of review's argument that the Property Tax Appeal Board should reduce the subject's 2015 assessment because of a prior Board decision. 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 addition, the Board finds no merit in the appellant's argument that per Section IV of the appeal form a recent sale is the best evidence of value. Section IV specifically states that "when an the appellant supplies evidence of a recent sale of a residence and the Board of Review has not refuted the arm's length nature of the transaction; the Property Tax Appeal Board generally finds that the sales price of a recent arm's length sale of the subject property is the best evidence of value." In this appeal, the board of review has refuted the arm's length nature of the transaction per the subject's deed trail confirming that a *lis pendens* was recorded against the subject. 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 March 2013 for \$11,100 or \$4.03 per square feet of living area is a "compulsory sale." The evidence disclosed the subject was a foreclosure sale per the *lis pendens* recorded against the subject in 2013 and the settlement statement confirming the seller was a financial institution. 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 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 comparables set the range of market value for the subject. The comparables sold from September 2012 to September 2014 for prices ranging from \$10.01 to \$53.11 per square foot of living area, including land. These comparables are similar in size, age, location, and construction. The subject's assessment reflects a market value of \$62.29 per square foot of living area, including land, which is above 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 submit sufficient evidence to show the subject was overvalued. Therefore, the Board finds that the appellant has met its burden by a preponderance of the evidence and that the subject does 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



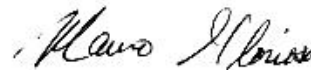
Member

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: November 19, 2019



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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