



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

APPELLANT: Lee-Lin Wang
DOCKET NO.: 16-34617.001-R-1
PARCEL NO.: 13-36-216-009-0000

The parties of record before the Property Tax Appeal Board are Lee-Lin Wang, 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: \$8,991
IMPR.: \$31,509
TOTAL: \$40,500

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 2016 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 two improvements. Improvement #1 is a multi-family apartment building with 1,886 square feet of living area. Improvement #2 is also a multi-family apartment building. It has 1,584 square feet of living area. The property has a 3,996 square foot site and is located in West Chicago Township, Cook County. The subject is classified as a class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends assessment inequity as the basis of the appeal. In support of this argument the appellant submitted information on eight equity comparables. The appellant also submitted information regarding the demolition of the subject dwellings. The information includes: a City of Chicago Demolition Permit dated December 1, 2016; photos of the demolition; an invoice; and a statement that indicates the demolition was completed on December 7, 2016. The Board notes that the appellant did not indicate "Recent Sale" was a basis

of appeal, however, the appellant submitted evidence that the subject was purchased for cash in a foreclosure sale from Fannie Mae on September 1, 2016 for a price of \$405,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$40,500. Improvement #1 has an improvement assessment of \$14,362. The improvement assessment reflects a 71.8% occupancy factor. At 100% occupancy, Improvement #1 is assessed at \$20,003 or \$10.61 per square foot of living area. Improvement #2 has an improvement assessment of \$17,147. The improvement assessment reflects a 71.8% occupancy factor. At 100% occupancy, Improvement #2 is assessed at \$23,882 or \$15.08 per square foot of living area. In support of its contention of the correct assessment the board of review submitted information on four equity comparables and four sale comparables. The board of review also submitted a supplemental brief that argued the appellant did not meet the burden of going forward as the appellant did not submit a legal brief. In addition, the board argued the appellant's vacancy claim should be discounted as the property was not rendered uninhabitable by accidental means.

Conclusion of Law

As to the appellant's vacancy argument, Section 9-180 of the Property Tax Code provides in part:

"When... any buildings, structures or other improvements on the property were destroyed and rendered uninhabitable or otherwise unfit for occupancy or for customary use by accidental means (excluding destruction resulting from the willful misconduct of the owner of such property), the owner of the property on January 1 shall be entitled, on a proportionate basis, to a diminution of assessed valuation for such period during which the improvements were uninhabitable or unfit for occupancy or for customary use." (35 ILCS 200/9-160).

The Board finds the appellant's occupancy argument is without merit. The appellant submitted a demolition permit dated December 1, 2016. The appellant did not submit evidence that the subject was rendered uninhabitable by accidental means as required by 35 ILCS 200/9-160. In addition, the Board notes that the subject currently has a 71.8% occupancy factor. As such, the Board finds that a reduction in the subject's assessment on this basis is not warranted.

The taxpayer contends assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). 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 the best evidence of assessment equity of Improvement #1 to be the board of review's comparable properties. These comparables had improvement assessments that ranged

from \$11.25 to \$15.41 per square foot of living area. The subject's improvement assessment at 100% occupancy of \$10.61 per square foot of living area falls below the range established by the best comparables in this record. The Board finds the best evidence of assessment equity of Improvement #2 to be the board of review's comparable properties. These comparables had improvement assessments that ranged from \$11.25 to \$15.41 per square foot of living area. The subject's improvement assessment at 100% occupancy of \$15.08 per square foot of living area falls within the range established by the best comparables in this record. The subject has a total assessment of \$40,500. At 100% occupancy, the subject's assessment would be \$52,876. This assessment reflects a market value of \$528,760 or \$152.38 per square foot of living area, land included, when using the 2016 level of assessment for class 2 property of 10% under the Cook County Real Property Assessment Classification Ordinance.

Based on this record the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not justified.

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 on September 1, 2016 for a price of \$405,000 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.

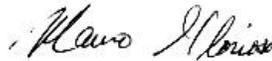
Real property in Illinois must be assessed at its fair cash value, which can only be estimated absent any compulsion on either party. Illinois law requires that all real property be valued at its fair cash value, estimated at the price it would bring at a fair voluntary sale where the owner is ready, 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., 2011 IL App (2d) 100068, ¶ 36 (citing Chrysler Corp. v. Ill. Prop. Tax Appeal Bd., 69 Ill.App.3d 207, 211 (2d Dist. 1979)).

However, when there is a recent sale of the subject, and that sale is a compulsory sale, the Board may consider evidence which would show whether the sale price was representative of the subject's fair cash value. See 35 ILCS 200/16-183 ("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."). Such evidence can include the descriptive and sales information for recently sold properties that are similar to the subject. See Id.

In the instant appeal, the appellants and the board of review submitted four comparable sales. The Board finds that these sales are similar to the subject in key property characteristics. The sales range in price from \$214.23 to \$370.98 per square foot of building area, including land. The subject's assessment, at 100% occupancy reflects a market value of \$152.38 per square foot of building area which is well below the range of these comparable sales. In addition, the subject's recent sale price of \$405,000 reflects a market value of \$116.71 which is well below the range of the comparable sales. As such, the Board finds the subject's recent sale price does not represent the subject's fair market value on the lien date in question. Accordingly, the Board finds 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(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: March 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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