



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

APPELLANT: Starry Real Estate, III, LLLP  
DOCKET NO.: 16-34621.001-R-1  
PARCEL NO.: 31-03-220-017-0000

The parties of record before the Property Tax Appeal Board are Starry Real Estate, III, LLLP, the appellant, by attorney George J. Relias, of Relias Law Group, Ltd. 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:** \$2,478  
**IMPR.:** \$6,022  
**TOTAL:** \$8,500

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 a 13-year old, two-story, single-family dwelling of frame and masonry construction with 2,655 square feet of living area. Features of the home include: a full basement, central air conditioning, a fireplace, as well as a two and one-half car garage. The property has an 8,260 square foot site and is located in Rich Township, Cook County. The subject is classified as a class 2-78, residential property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's petition indicates that the appeal is based upon overvaluation. In support of the overvaluation argument, the appellant submitted evidence disclosing the subject property was purchased on February 12, 2016 for a price of \$85,000 or \$32.02 per square foot of living area.

The appellant completed Section IV of the appeal indicating that: the sale was between unrelated parties; the parties were represented by real estate brokers; the sale was advertised on the open market via the multiple listing service; the seller's mortgage was not assumed; and the property was sold in lieu of a foreclosure. In addition, copies of the following documents were submitted: settlement statement, sales contract, PTAX-203 Illinois real estate transfer declaration, assessor database printout of the subject's description, and the multiple listing service printout. The multiple listing printout reflects the original list price as \$48,500 in January, 2016 as well as the notation that 'multiple offers were received'.

Further on this issue, the appellant submitted a grid sheet with data on three sale comparables. They were improved with a two-story, single-family dwelling with frame and masonry exterior construction, all of which were located in the subject's neighborhood code pursuant to the county assessor's designation. The improvements ranged in age from 13 to 16 years and in size from 2,497 to 2,611 square feet of living area. The properties were sold from June through September, 2015, for unadjusted prices that ranged from \$32.49 to \$38.85 per square foot.

The appellant submitted copies of an assessor database printout and the multiple listing sheet for each of the three comparables. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

At hearing, the appellant's attorney acknowledged that the subject's sale was a foreclosure, but also asserted that there were numerous such sales within the subject's area at the time. He argued that the sales comparables support the subject's sale price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$16,238. The subject's assessment reflects a market value of \$162,380 or \$61.60 per square foot of living area, land included, when using the level of assessments for class 2 property of 10% under the Cook County Real Property Assessment Classification Ordinance.

In support of its contention of the correct assessment, the board of review submitted a brief regarding the subject's recent purchase arguing that the subject's sale was a compulsory sale. In addition, the board of review submitted printouts from an online database indicating the subject's interior description as well as a future sale at an undisclosed time in 2017 for a price of \$219,000.

Moreover, the board of review submitted information in grid sheet format on four sale comparables. They were improved with a 13-year old, two-story, single-family dwelling with masonry or frame and masonry exterior construction, all of which were located within a two-block radius of the subject. The improvements ranged in size from 2,611 to 3,006 square feet of living area. The properties #1, #2 and #3 were all sold on October 1, 2015, while property #4 was sold on October 1, 2016, for unadjusted prices that ranged from \$72.39 to \$79.14 per square foot.

At hearing, the board of review's representative rested on the evidence submission. He testified that he had no personal knowledge of whether the board's sales were either arm's length

transactions or compulsory sales. Further, he stated that he had no personal knowledge of the subject's 2016 sale or the subject's alleged 2017 sale.

Even though the appellant did not submit written rebuttal evidence, at hearing the appellant's attorney argued the variances in the board's submitted properties in comparison to the subject property.

### **Conclusion of Law**

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

The appellant's pleadings state and the board of review asserts that the subject's sale is 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.

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, when there is a recent sale of the subject, and that sale is a compulsory sales, 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.

The Board finds that the parties undisputed evidence is that the subject's sale is a compulsory sale. Therefore, the Board will look to the parties' sale comparables. The Board finds the best evidence of market sales were the appellant's sale comparables #1 through #3. These sales occurred from June to September, 2015 for unadjusted prices that ranged from \$32.49 to \$38.85 per square foot. In support thereof, the appellant submitted copies of the assessor database printouts as well as the multiple listing service printouts indicating the details of each sale. After making adjustment to the sales for pertinent factors, the subject's recent sale at \$32.02 per square foot is within the adjusted range established by the best comparables in the record. These three sales contained two-story, single-family dwellings located in the subject's neighborhood, while containing improvements that ranged in age from 13 to 16 years and in size from 2,497 to 2,611 square feet of living area.

In contrast, the Board accorded diminished weight to the board of review's sales due to the absence of any data or testimony regarding the arm's length nature or compulsory nature of each sale transactions. Further, this absence of support data draws into question the board's multiple sales on the exact same date of October 1, 2015 without further explanation that was neither submitted in tangible form or via testimony at hearing. Specifically, the Board's examination of the board of review's representative at hearing indicated that the representative had no personal knowledge of the nature of any of the sale transactions including the subject's sale. Moreover, the Board finds no weight can be given an alleged subsequent sale of the subject in 2017 without documentation or testimony from a party to the sale indicating what if any changes occurred to the subject's real estate from January, 2016 to the undisclosed sale date in 2017.

Therefore as to the overvaluation issue, the Board finds that these three appellant's sales support the subject's recent sale price as being reflective of the market as of the 2016 assessment date. Thereby, the Board finds the subject property has a market value of \$85,000 as of January 1, 2016. Since market value has been determined, the 2016 level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10% shall apply. 86 Ill.Admin.Code §1910.50(c)(2)

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



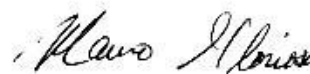
Member

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: May 26, 2020



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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