



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

APPELLANT: Jalal Dkhan
DOCKET NO.: 16-35092.001-R-1
PARCEL NO.: 15-11-125-004-0000

The parties of record before the Property Tax Appeal Board are Jalal Dkhan, the appellant(s), by attorney George N. Reveliotis, of Reveliotis Law, P.C. in Park Ridge; 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: \$ 1,970
IMPR.: \$ 1,940
TOTAL: \$ 3,910

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 (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 two-story dwelling of frame construction with 1,632 square feet of living area. The dwelling is 121 years old. Features of the home include a full basement with a formal recreation room and a one-car garage. The property has a 5,254 square foot site, and is located in Maywood, Proviso Township, Cook County. The subject is classified as a class 2-05 property under the Cook County Real Property Assessment Classification Ordinance. No evidence was submitted as to whether the subject is owner occupied.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted information on three sale comparables. These comparables sold between October 2015 and August 2016 for \$38,500 to \$95,000, or \$21.70 to \$55.62 per square foot of living area, including land. The appellant also submitted evidence disclosing the subject property was purchased on December 16, 2013 for a price of \$39,100, or \$23.96 per square foot

of living area, including land. In Section IV – Recent Sale Data of the appeal form, the appellant stated that the subject was purchased pursuant to a foreclosure. Additionally, the settlement statement submitted by the appellant states that the seller was the Federal National Mortgage Association (“Fannie Mae”). Based on this evidence, the appellant requested a reduction in the subject's assessment to \$3,910.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$10,456. The subject's assessment reflects a market value of \$104,560, or \$64.07 per square foot of living area, including land, when applying the 2016 statutory level of assessment for class 2 property of 10.00% under the Cook County Real Property Assessment Classification Ordinance.

In support of its contention of the correct assessment, the board of review submitted information on three equity comparables.

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 December 2013 for \$39,100 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 appellant's admission in Section IV – Recent Sale Data of the appeal form, and the settlement statement, submitted by the appellant, which lists Fannie Mae as the seller. See 12 U.S.C. § 1723a(a) (authorizing Fannie Mae to acquire property in the event of a default or a foreclosure); *Kimbrell v. Fed. Hous. Fin. Agency*, 682 F. App'x. 486, 487 (7th Cir. 2017) (stating that Fannie Mae foreclosed upon a property located in Peoria, Illinois). See generally, *Fed. Nat'l Mortg. Ass'n v. City of Chi.*, 2017 WL 4875785, 1 (7th Cir. 2017) (“When a borrower defaults, . . . Fannie Mae . . . forecloses and takes title to the real estate securing the loan.”).

The appellant submitted three sale comparables to show that the sale of the subject was at its fair market value, and, thus, was an arm's-length transaction. In *Calumet Transfer LLC v. Property Tax Appeal, Bd.*, 401 Ill.App.3d 652 (1st Dist. 2010), the court upheld the Board's decision,

wherein the Board allowed the intervenor to challenge the arm's-length nature of the sale of the property, through the submission of sale comparables, pursuant to Section 1910.65(c)(4) of the Official Rules of the Property Tax Appeal Board. Calumet Transfer, 401 Ill.App.3d at 655-56; 86 Ill.Admin.Code § 1910.65(c)(4) (“[p]roof of the market value of the subject property may consist of the following: 4) documentation of not fewer than three recent sales of suggested comparable properties together with documentation of the similarity, proximity and lack of distinguishing characteristics of the sales comparables to the subject property.”). The intervenor in Calumet Transfer argued that the seller was under duress to sell the property, and therefore, the purchase price was below fair market value as evidenced by the comparable sales. Id. at 656. The court stated that, “There is no provision in the Property Tax Code that restricts [the Board’s] authority to consider such evidence. To the contrary, paragraph (4) of section 1910.65(c) specifically allows evidence of comparable property sales to prove fair market value.” Id. In the instant appeal, the appellant submitted sale comparables to show that the subject’s purchase price was at its fair market value. Cf. id.

In looking at the sale comparables submitted by the appellant, the Board finds appellant comparables #1, #2, #3, and #4 to be most similar to the subject. These comparables sold for prices ranging from \$21.70 to \$55.62 per square foot of living area, including land. The subject's sale price reflects a market value of \$23.96 per square foot of living area, including land, which is within the range established by the best comparables in this record. Therefore, the Board finds that the sale of the subject in December 2013 for \$39,100 was an arm's-length transaction and at the subject's fair market value, and that this sale represents the best evidence of market value for the subject. In further support of the transaction, the appellant submitted the printout from the MLS, the special warranty deed, the Real Property Transfer Tax Declaration, and the settlement statement. The Board finds the purchase price is below the market value reflected by the assessment. The Board finds the board of review did not present any evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value. Based on this record the Board finds the subject property had a market value of \$39,100 as of January 1, 2016. Since market value has been determined the 2016 statutory level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10.00% 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: April 21, 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

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