



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

APPELLANT: Linda Abdelhadi
DOCKET NO.: 17-23822.001-R-1
PARCEL NO.: 28-17-402-047-1052

The parties of record before the Property Tax Appeal Board are Linda Abdelhadi, the appellant(s), by attorney Jessica Hill-Magiera, Attorney at Law in Lake Zurich; 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: \$1,290
IMPR.: \$8,665
TOTAL: \$9,955

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 2014 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 one unit in a -unit condominium building. The building is 27 years old and is located on a 114,979 square foot site, in Berwyn Township, Cook County. The subject's percentage of ownership is 2.6399%. The subject is classified as a class 2-99 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted evidence showing that the subject was sold to the appellant by Fannie Mae a/k/a Federal National Mortgage Association on May 26, 2016 for \$65,000. This evidence included the settlement statement and listing sheet. The appellant's pleadings regarding Section IV- Recent Sale Data confirmed: the closing date and sale price; that the parties to the transaction were not related; and that the subject was advertised for sale using a realtor. Lastly, the listing

sheet states that the subject is a Lender Owned/REO sale. 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 subject of \$9,955. In support of the assessment, the board of review submitted a condominium analysis. The analysis indicated the total consideration for the sale of 19 residential units in the subject's condominium from 2016 to 2017 was \$1,458,300. Dividing the total consideration by the percentage of interest of ownership in the condominium for the unit that sold of 27.5525% indicated a full value for the condominium property of \$5,292,804 or an assessed value of \$529,280. The board of review also submitted a brief stating that the subject's recent sale is not a fair cash value and an arm's length transaction because it is a foreclosure sale. In support, the board of review submitted the deed trail and an unrelated PTAB decision. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant's attorney states that the board of review's evidence was not responsive or relevant to the basis of the appeal and did not dispute the recent sale of the subject. In support, the appellant submitted an unrelated PTAB decision, copies of Joint Committee on Administrative Rules/Administrative Code regarding rebuttal evidence and determination of appealed assessment.

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).

In addressing the appellant's market value argument, the Board finds that the sale of the subject in May 2016 for \$65,000 is a "compulsory sale." The settlement statement and listing sheet disclosed the foreclosing bank, Federal Home Loan Mortgage Association conveyed title to the appellant and was REO/Lender Owned. 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 compulsory. In determining the fair market value of the subject property, the Board looks to the evidence presented by the parties. The appellant's evidence did not dispute that the sale was a compulsory sale and did not submit sale comparables or other evidence to show that the sale of the subject in May 2016 for \$65,000 was at its fair cash value. Moreover, the board of review did submit seven sale comparables that were the same percentage of ownership as the subject and located in the same condominium building. These comparables sold from February 2016 to August 2017 for prices ranging from \$59,000 to \$100,000. The subject's sale price of \$65,000 falls within the range of the sale comparables. Therefore, the Board finds that 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:

December 20, 2022



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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