



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

APPELLANT: Lavandus D Kirkwood
DOCKET NO.: 17-42230.001-R-1
PARCEL NO.: 33-31-112-013-0000

The parties of record before the Property Tax Appeal Board are Lavandus D Kirkwood, 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 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: \$1,815
IMPR.: \$985
TOTAL: \$2,800

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 2017 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 is improved with a 45-year-old, one-story, building of frame construction containing 1,353 square feet of gross building area. Features of the subject include a crawl space and central air conditioning. The property is situated on 6,600 square feet in Sauk Village, Bloom Township, Cook County. The property is a Class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted a settlement statement disclosing the subject property was purchased from Deutsche Bank National Trust Company (Deutsche Bank) on February 15, 2016, for \$17,019 in an all-cash transaction. The subject's sale price reflects a market value of \$12.58 per square foot of gross

building area including land. The appellant also submitted a Multiple Listing Service (MLS) information sheet that disclosed the subject was sold out of a foreclosure and was "REO/Lender Owned" in an as-is condition. The appellant also submitted five suggested comparable properties that sold from 2016 through 2017 for prices ranging from \$5.05 to \$26.28 per square foot of gross building area including land, and a grid entitled "Property Equalization Values" and an analysis entitled "Market Value Equalization Based on Median Price/SF" with adjustments based on the property values of those comparable properties. The appellant included information in Section IV—Recent Sale Data of the Residential Appeal that the subject was not sold as a transfer between related parties; and was advertised and sold by a realtor. The appellant failed to disclose in Section IV how the property sale was settled. Based on this evidence, the appellant requested a reduction in the subject's assessment to \$1,702.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$6,445. The subject's assessment reflects a market value of \$64,450, or \$47.63 per square foot of gross building area, when using the 2017 level of assessment of 10.00% for Class 2 property 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 four suggested comparable properties that sold from 2015 through 2016 for prices ranging from \$21.93 to \$35.42 per square foot of gross building area including land.

In rebuttal, the appellant argued the board of review's suggested comparable properties were dissimilar to the subject. The appellant reiterated the request for an assessment reduction.

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

The Board finds the appellant failed to establish the admissibility of and to lay a foundation for the adjustments in the equalization values grid and in the analysis. Therefore, the Board gives them no weight. However, the Board may consider the raw, unadjusted sale data.

In addressing the appellant's market value argument, the Board finds that the sale of the subject in February 2016 for \$17,019 is a "compulsory sale." The evidence disclosed that the subject was sold as "REO" property. REO is an abbreviation for "real estate owned." Black's Law Dictionary, "REO" (10th ed. 2014). Real Estate Owned is defined as "Property acquired by a lender, usu. through foreclosure, in satisfaction of a debt. - Abbr. REO." Black's Law Dictionary, "real estate owned" (10th ed. 2014). The evidence disclosed the subject was sold short. 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., 961 N.E. 2d 794, 802 (2d Dist. 2011) (citing Chrysler Corp. v. Ill. Prop. Tax Appeal Bd., 69 Ill. App. 3d 207, 211 (2d Dist. 1979)).

The Board may consider market value evidence, such as sales of comparable properties submitted by the parties, to determine whether the subject was sold at fair cash value. 86 Ill.Admin.Code §1910.65(c)(4); See Calumet Transfer LLC v. Illinois Property Tax Appeal Board, 401 Ill.App.3d 652 (1st Dist. 2010).

The appellant submitted five comparables or other evidence to establish that the sale of the subject was for fair cash value. The board of review submitted four sale comparables. The Board finds the best evidence of market value to be the appellant's comparable sale(s) #2 and #4, and the board of review comparable sale(s) #3 and #4. These comparable properties sold for prices ranging from \$20.69 to \$35.42 per square foot of living area, including land. The subject's assessment reflects a market value of \$47.63 per square foot of living area including land, which is above the range established by the best comparable sales in this record. The subject's sale price of \$17,019, or \$12.58 per square foot of gross building area including land, is below the range established by the market data.

In determining the fair cash value of the subject property and all relevant factors, the Board finds that the appellant did submit enough 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 warrants 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:

April 20, 2021



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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