



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

APPELLANT: Haifeng Sun
DOCKET NO.: 18-36467.001-R-1
PARCEL NO.: 13-29-123-041-0000

The parties of record before the Property Tax Appeal Board are Haifeng Sun, the appellant(s), by attorney Joanne Elliott, of Elliott & Associates, P.C. in Des Plaines; 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: \$5,115
IMPR.: \$30,920
TOTAL: \$36,035

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 2018 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 62-year-old, two-story, multi-family dwelling of masonry construction with 3,409 square feet of living area. Features of the building include three full bathrooms and a 2.5-car garage. The property has a 4,092 square foot site and is located in Chicago, Jefferson Township, Cook County. The subject is classified as a class 2-11 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based, in part, on overvaluation based on a recent sale. In support of this argument the appellant submitted evidence disclosing the subject property was purchased in January 2018, for a price of \$295,000, due to a foreclosure action. The sale price per square foot of living area, including land, was \$86.55. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price. In Section IV of their Residential Appeal, the appellant indicated that this purchase was due to a foreclosure action, but

that a realtor was involved, and that the property was advertised for sale. The appellant further argued that the fact that a broker's commission was paid at the closing was indicative that the purchase price was the fair market value of the subject property. The appellant did not provide any sales comparables.

The appellant also contends assessment inequity as the basis of the appeal. In support of this argument, the appellant submitted information on three suggested equity comparables. They were improved with a multi-family dwelling of masonry construction. The improvements ranged: in age from 51 to 69 years; and in size from 3,109 to 3,703 square feet of living area; and in assessment from \$7.44 to \$7.78 per square foot. Each of the comparable properties had either two or three full bathrooms, with one of the comparable properties having an additional half-bathroom. Additionally, each of the comparable properties had a two-car garage.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$36,035. The subject property has an improvement assessment of \$30,920 or \$9.07 per square foot of living area. In support of its contention of the correct assessment, the board of review submitted information on six suggested sales comparables and eight suggested equity comparables. The comparables are improved with a two-story, multi-family dwelling of masonry construction. The improvements ranged: in age from 26 to 71 years; in size from 3,146 to 3,845 square feet of living area; and in assessment from \$7.96 to \$11.48 per square foot. Each of the comparable properties had between two and five full bathrooms, with one property have an additional two half-bathrooms. Additionally, seven of the comparable properties had either a two-car or a 2.5-car garage. The sales comparable sold between February 2015 and July 2016, for amounts ranging from \$305,000 to \$480,000, or from \$95.67 per square foot of living area, including land, to \$124.84 per square foot of living area, including land.

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 not meet* this burden of proof and a reduction in the subject's assessment *is not* warranted.

First the Board examines the appellant's argument based on the recent sale. The Board finds that the sale of the subject in January 2018 for \$295,050 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 parties' documentation.

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., 2012 IL App (2d) 100068, ¶ 36 (citing Chrysler Corp. v. Ill. Prop. Tax Appeal Bd., 69 Ill.App.3d 207, 211 (2d Dist. 1979)).

In considering the compulsory sale of the subject, the Board may look to the market value evidence submitted by the parties to determine whether the purchase price was at the subject's fair market value. 86 Ill.Admin.Code §1910.65(c). Such evidence may consist of the sales of comparable properties. 86 Ill.Admin.Code §1910.65(c)(4); see Calumet Transfer, LLC v. Ill. Prop. Tax Appeal Bd., 401 Ill.App.3d 652, 655-56 (1st Dist. 2010) (“[The Board] allowed the [intervenor] to challenge the arm's-length nature of the transaction by offering evidence of comparable property sales. This was permissible under paragraph (4) of section 1910.65(c).”) The appellant did not submit sufficient market value evidence, such as comparable sales or an appraisal, to support their assertion that this purchase price of a compulsory sale was the subject's fair market value. The appellant points to the broker's commissions that were paid at the closing; however, this is insufficient evidence to prove fair market value. Simply because a realtor was used as part of a compulsory sale, does not per se mean that the property was sold for the fair market value.

The Board finds that the compulsory nature of sale diminishes the weight of the evidence submitted by the appellant and finds instead that the best evidence of market value in the record to be the board of review's comparable sales #1, #3 and #5. These comparables were similar to the subject in location, style, construction, features, age and land area. These properties also sold proximate in time to the assessment date at issue. The comparables sold for prices ranging from \$100.62 to \$124.84 per square foot of living area, including land. The subject's assessment reflects a market value of \$105.71 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. Based on this record the Board finds the subject's assessment is reflective of market value and a reduction in the subject's assessment is not justified on this basis.

The taxpayer also 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 to be the appellant's comparables #1 and #3 and the board of review's comparables #1, #3, and #5. These comparables had improvement assessments that ranged from \$7.44 to \$9.95 per square foot of living area. The subject's improvement assessment of \$9.07 per square foot of living area falls within the range established by the best comparables in this record. 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.

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:

November 22, 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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