



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

APPELLANT: DG Enterprises-East David Blair
DOCKET NO.: 18-44387.001-R-1
PARCEL NO.: 32-30-111-017-0000

The parties of record before the Property Tax Appeal Board are DG Enterprises-East David Blair, 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: \$1,485
IMPR.: \$215
TOTAL: \$1,700

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 6,600 square foot parcel of land improved with a 56-year-old, one-story, frame, single-family dwelling containing 1,066 square feet of building area. The property is located in Chicago Heights, Bloom Township, Cook County and is a class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. In support of this, the appellant filled out limited information in *Section IV. Recent Sale Data* on the petition. The appellant disclosed on the petition the subject was purchased on February 02, 2018 from the "OOR" for a price of \$17,000 or \$15.95 per square foot of building area. The petition discloses that the transfer was not between related parties, that it was sold by owner, and that the property was advertised for sale using "sign, internet and/or auction." The appellant failed to disclose how long the subject was advertised and if it was sold due to a foreclosure action or a contract for

deed. The appellant submitted a court order for the Receipt of Sale-Bid Balance for the subject in evidence of the sale. The petition discloses that that the subject is not an owner-occupied residence.

In addition, the appellant submitted three sale comparables. The comparables are described as one-story, single-family dwellings. They range in age from 46 to 57 years and in size from 962 to 1,041 square feet of building area. They sold from February 2017 to July 2018 for prices ranging from \$7.40 to \$14.21 per square foot of building area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$3,478 which reflects a market value of \$34,780 or \$32.63 per square foot of building area when using the level of assessment for class 2 property of 10% under the Cook County Real Property Assessment Classification Ordinance.

In support of current assessment, the board of review submitted a supplemental brief asserting that the subject property was purchased out of foreclosure and sold to the appellant for a value that was not reflective of the market. The board of review included a printout from the recorder of deeds office disclosing the Lis Pendens prior to the judicial sale.

In addition, the board of review included data on three sales comparables. The comparables are described as one or one and one-half story, frame or frame and masonry, single-family dwellings. They range in age from 63 to 64 years and in size from 1,092 to 1,197 per square feet of building area. They sold from October 2017 to September 2018 for prices ranging from \$36.63 to \$63.64 per square foot of building area.

In rebuttal, the appellant asserted that the sale of the subject was arm's length and that the board or review's comparables are not similar to the subject.

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, based on the appellant's evidence and the board of review's brief and supporting evidence, that the sale of the subject in February 2018 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.

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 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 compulsory sales of comparable properties.

In the instant case, the Board finds the parties submitted six sale comparables. The Board finds these comparables similar to the subject. These comparables sold from February 2017 to September 2018 for prices ranging from \$7.40 to \$63.64 per square foot of building area. In comparison, the subject sold for \$15.95 per square foot of building area which is within the range of comparables. Therefore, the Board finds the subject's sale is reflective of the market and that the appellant has proven by a preponderance of the evidence that the subject is overvalued and a reduction in the assessment is 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:

April 18, 2023



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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