



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

APPELLANT: 9C LLC
DOCKET NO.: 19-28612.001-I-1
PARCEL NO.: 18-13-309-032-0000

The parties of record before the Property Tax Appeal Board are 9C LLC, the appellant(s), by attorney Al Giudice, of Giudice Law Offices, Ltd. in Chicago; 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: \$10,942
IMPR.: \$45,307
TOTAL: \$56,249

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 2019 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 single-story building of masonry construction with 3,956 square feet of building area. The property is located in Lyons Township, Cook County. The subject is classified as a class 5-17 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 evidence disclosing the subject property was purchased on June 27, 2018, for a price of \$120,065, pursuant to a scavenger sale. In support of the overvaluation argument, the appellant submitted a "Tax Deed – Scavenger Sale," a court order, a receipt issued by the Cook County Treasurer, a receipt for redemption of forfeited property, email confirmation of tax payment, a letter addressed to the Board dated February 7, 2020, a letter addressed to the Board dated August 22, 2020, photographs, and a 1065 tax form. Additionally, the appellant answered

Section IV of their Industrial Appeal. The appellant did not provide any sales comparables or an appraisal. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$56,249. The subject's assessment reflects a market value of \$224,996 or \$56.87 per square foot of living area, land included, when using the 2019 level of assessments for class 5 property of 25% under the Cook County Real Property Assessment Classification Ordinance. The board of review did not submit any comparables or an appraisal.

On March 2, 2023, the appellant's attorney and a board of review representative appeared via virtual hearing. Both sides chose not to call any witnesses and proceeded to make arguments. During closing argument, the appellant's attorney argued that the 2018 purchase of the subject property was reflective of market value. He argued that the subject property was sold on or about April 14, 2022, at an arm's length sale for \$150,000. He also argued that this sale is further evidence that the 2018 purchase price of \$120,065 was for market value. The representative for the board of review then argued that the 2022 sale should not be considered because no documentary evidence was submitted for this appeal and the 2022 sale is not indicative of a 2019 valuation. Furthermore, the board of review highlighted the fact that the 2018 purchase was pursuant to a delinquent tax sale. In rebuttal, the appellant's attorney argued that despite the nature of the 2018 purchase, the \$120,065 was reflective of market value. Additionally, the appellant's attorney argued that the board of review failed to submit any evidence refuting that the 2018 purchase price was indicative of market value.

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 purchase of the subject in June of 2018 for \$120,065 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 tax purchase/scavenger sale, 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 the 2018 purchase price of a compulsory sale was the subject's fair market value in the lien year. At the hearing, the appellant's attorney made arguments regarding the sale of the subject property in 2022 as being relevant to showing that the 2018 purchase price was reflective of market value as of the lien year. This argument is unpersuasive as the sale occurred at least three years after January 1, 2019, in a different triennial, and was purportedly a different type of sale than the 2018 purchase. As such the Board finds that the appellant failed to meet their burden by a preponderance of the evidence 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:

May 16, 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

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