



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

APPELLANT: Jim Fishburn
DOCKET NO.: 19-39957.001-R-1
PARCEL NO.: 02-17-200-008-0000

The parties of record before the Property Tax Appeal Board are Jim Fishburn, the appellant(s), by attorney Noah J. Schmidt, of Schmidt Salzman & Moran, 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: \$36,067
IMPR.: \$43,506
TOTAL: \$79,573

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 55-year-old, one-story, single-family home of masonry construction with 3,204 square feet of living area. The property has a 240,451 square foot site and is located in Inverness, Palatine Township, Cook County. Features of the building include a partial basement with a formal recreation room, central air conditioning, and a two-car garage. The subject is classified as a class 2-04 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based in part on overvaluation, specifically based on a recent sale. In support of this argument, the appellant submitted into evidence a real estate contract, an appraisal, and answered questions in Section IV of their Residential Appeal. The appellant's answers and legal brief say that the subject property was purchased in November of 2019, for a price of \$400,000. The appellant's answers in Section IV indicated that the transaction was not

between family members or related corporations, that it was sold using a realtor, and was advertised on the Multiple Listing Service and online for a period of four months. The appellant also answered that the sale was due to a foreclosure action.

The appellant also contends overvaluation based on a recent appraisal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$450,000 as of October 14, 2019. The appraisal report was three pages, with an addendum mentioned but not submitted, and was unsigned without attribution to a named appraiser. The appraisal relied on the sales comparison approach, and it contained information on five comparable sales and one active listing. The comparable properties sold between July 2019 and November 2019. The comparable properties ranged: in price between \$355,000 to \$470,000; in size between 1,664 to 3,284 square feet of living area; and in sale price per square foot between \$123.93 to \$251.20, including land.

The appellant also indicated that “Contention of Law” was a basis for this appeal. The appellant submitted a legal brief in which on the petition and argued for Covid relief.

Based on these arguments the appellant requested the subject’s total assessment be reduced to \$40,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$79,573. The subject's assessment reflects a market value of \$795,730 or \$248.36 per square foot of living area, land included, when using the 10% level of assessments 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 sales comparables and four suggested equity comparables with varying degrees of similarity to the subject. Based on this evidence, the board of review requested that the assessment be confirmed.

Conclusion of Law

As a preliminary matter, the appellant requests that the PTAB grant it relief based on the COVID-19 pandemic. The PTAB distinguishes between a request for relief just because the pandemic occurred (“COVID Relief”) and a request based on the pandemic’s effect on market conditions or the income-producing capacity of a given property. The former would only require the appellant to show that the pandemic occurred -not that the pandemic affected or contributed to changes in the relevant market or other factors related to the property’s assessment. The latter would require the appellant to meet its burden to provide substantive evidence or legal argument sufficient to challenge the property’s assessment.

As an administrative agency, the Property Tax Appeal Board only has the authority that the General Assembly confers on it by statute. *Spiel v. Property Tax Appeal Bd.*, 309 Ill. App. 3d 373, 378 (2d Dist. 1999). Consequently, to the extent that the PTAB acts outside its statutory authority, it acts without jurisdiction. See *Bd. of Educ. of City of Chicago v. Bd. of Trustees of Pub. Sch. Teachers’ Pension & Ret. Fund of Chicago*, 395 Ill. App. 3d 735, 739–40 (1st Dist. 2009). The Board has no statutory authority to reduce assessments solely because the pandemic occurred (i.e., to grant “COVID Relief”). However, if an appellant presents evidence

demonstrating the pandemic resulted in or contributed to a reduction in the subject property's assessment, that may serve as the basis for a reduction. But the appellant is not entitled to a reduction just because the pandemic occurred. The appellant did not present any evidence of that nature here, however, so the Board will not grant a reduction because of the pandemic.

The also 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 for the recent sale and a reduction in the subject's assessment is not warranted on this basis.

The Board finds that the sale of the subject in March of 2017 for \$342,000 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 following a foreclosure action, based on the appellant's own admission in answering Section IV of the Residential Appeal.

Real property in Illinois must be assessed at its fair cash value.

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)). A compulsory sale is not an arm's length sale.

A compulsory sale, while not an arm's length sale, may still be reflective of a fair market value. 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 an appraisal or the sales of comparable properties. 86 Ill.Admin.Code §1910.65(c); 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 submitted an appraisal which could

be used as evidence to corroborate their assertion that the sale price was indicative of the fair market value.

Turning to the appraisal, the record of evidence contained three pages of a six-page appraisal. Also there is no addendum to the appraisal in the record even though one was mentioned in the three pages in the record. The appraisal report was incomplete, not signed by or attributed to a named appraiser, and there is no indication that the author of the document had the necessary qualifications or experience to write the report. The incompleteness of this document and the unsigned nature call into question the veracity of the document and as such the Board gives no weight to the submitted appraisal as supporting evidence to show that the sale price was fair market value or as evidence of the fair market value itself.

Based on this record, the appellant failed to prove by a preponderance of the evidence that the recent sale price was the fair market value and a reduction in the subject's assessment is not justified on this basis. Likewise, for the reasons stated above the Board finds that the appellant failed to prove by a preponderance of the evidence that the submitted appraisal was reflective of the fair market value of the subject property. A reduction in the subject's assessment commensurate with the appellant's request 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 19, 2024



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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