



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

APPELLANT: Jurate Vaitkeviciute
DOCKET NO.: 19-42705.001-R-1
PARCEL NO.: 03-22-307-037-0000

The parties of record before the Property Tax Appeal Board are Jurate Vaitkeviciute, the appellant, 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 **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: \$10,001
IMPR.: \$53,338
TOTAL: \$63,339

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 two-story, single-family dwelling of masonry construction with 3,840 square feet of living area. The building is 27 years old. Features of the home include a full, unfinished basement, central air conditioning and a two-car garage. The property has a 28,575 square foot site and is located in Prospect Heights, Wheeling Township, Cook County. The subject is classified as a class 2-08 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant asserts overvaluation in this appeal. In support of the overvaluation argument, the appellant submitted evidence disclosing that the subject property was purchased on September 16, 2019, for a price of \$398,000. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The taxpayers also assert that the market value of the subject property is not accurately reflected in its assessed valuation. In support of this argument, the appellants submitted information on three suggested sale comparables. The comparable properties sold between May 2019 and July 2019. The comparable properties ranged: in price between \$370,000 to \$585,000; in living area square footage between 4,547 to 4,876; and in sale price per square foot between \$75.88 to \$126.60, including land. Based on this evidence, appellant requested a reduction in the subject's assessment to \$38,172.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$63,339. The subject's assessment reflects a market value of \$633,390 or \$164.95 per square foot of living area, land included, when using the Cook County Real Estate Classification Ordinance level of assessment for class 2 property of 10%. The subject's improvement assessment is \$53,338, or \$13.89 per square foot of living area.

In support of its contention of the correct assessment the board of review submitted information on four suggested sale comparables. The comparable properties sold between June 2016 and April 2018. The improvements ranged: in price between \$857,060 and \$1,200,000; in size between 3,970 and 4,070 square feet of living area; and in sale price per square foot from \$215.88 to \$294.91, including land. Based on this evidence, the board of review requested confirmation of the assessed valuation.

In written rebuttal, the appellant argued the subject property's sale meets the elements of an arm's length transaction even if it is a compulsory sale. Additionally, the appellant argued that the board of review's four suggested comparable properties should be given less weight because they are located in a different city than the subject. The appellant also contends the board of review's comparable sales were too remote in time to the lien date. The appellant reaffirmed 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

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)).

A contemporaneous sale between parties dealing at arms-length is not only relevant to the question of fair cash market value, (see People ex rel. Korzan v. Chicago, Burlington Quincy Railroad Co. 32 Ill.2d 554 and People ex rel. Musso v. Chicago, Burlington Quincy Railroad Co. 33 Ill.2d 88,) but would be practically conclusive on the issue of whether an assessment was at full value. The appellant did not provide evidence demonstrating the sale had the elements of an arm's length transaction, due to the fact it was acquired pursuant to a foreclosure proceeding, despite submitting a copy of the settlement statement and providing some of the basic information required under Section IV.

The evidence indicates that the sale to the appellant was a compulsory sale under the applicable statute which reads:

Compulsory sale. "Compulsory sale" means (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. Emphasis added. (35 ILCS 200/1-23)

Based on this record the Board finds the appellant has not proven by a preponderance of the evidence, that the subject is overvalued, and that a reduction in the subject's assessment is not justified.

The appellant also argues the market value of the subject property is not accurately reflected in its assessed valuation based on comparable sales. 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.

The Board finds the best evidence of market value to be appellant's comparable #1 and all of the board of review's comparables. These comparables sold for prices ranging from \$99.41 to \$294.91 per square foot of living area. The subject's assessment reflects a market value of \$164.95 per square foot of living area which is within the range established by the best comparable sales in this record. These comparables were given more weight due to their size. Based on this evidence the Board finds 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:

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

State of Illinois
Property Tax Appeal Board
William G. Stratton Building, Room 402
401 South Spring Street
Springfield, IL 62706-4001

APPELLANT

Jurate Vaitkeviciute, by attorney:
Jessica Hill-Magiera
Attorney at Law
790 Harvest Drive
Lake Zurich, IL 60047

COUNTY

Cook County Board of Review
County Building, Room 601
118 North Clark Street
Chicago, IL 60602