



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

APPELLANT: Dave Shober
DOCKET NO.: 19-43887.001-R-1
PARCEL NO.: 02-16-303-047-1008

The parties of record before the Property Tax Appeal Board are Dave Shober, the appellant(s), by attorney Joanne Elliott, of Elliott & Associates Attorneys, PLLC 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: \$3,080
IMPR.: \$55,478
TOTAL: \$58,558

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 consists of a residential condominium unit built in 1998 with a 1.0812% ownership interest in the common elements. The property is located in Inverness, Palatine Township, Cook County. The subject is classified as a class 2-99 property under the Cook County Real Property Assessment Classification Ordinance.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of \$420,000 as of February 12, 2016.

The appellants also indicated "recent sale" as the basis of the appeal. In support of this argument the appellants submitted answers to Section IV of their Residential Appeal disclosing the subject property was purchased on February 24, 2016, for \$347,500. The appellant's statements indicated

that a realtor was not involved in the transaction and that the subject was not advertised for sale in the open market. The appellant also disclosed that the sale of the subject was *not* due to a foreclosure action. However, the appellant submitted a printout from the MLS that states that the subject was sold pursuant to a foreclosure.¹ The appellant argued that in order to ensure uniformity of assessment, the subject property should be assessed at no more than 10% of its fair market value. Based on this evidence, the appellant requested that the subject's assessment be reduced to \$34,750.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$58,558. The subject's assessment reflects a market value of \$585,580 when applying the 2019 statutory level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10.00%.

In support of its contention of the correct assessment, the board of review submitted a condominium analysis with information on 20 suggested comparable sales in the building. The sales occurred between March 2016 and December 2019. They sold for a total consideration of \$9,141,551. The board of review disclosed the units sold consisted of 16.5699% of all units in the building. The result yielded a full value of the property at \$55,167,744. Since the subject comprised 1.0812% of all the units in the building, the board of review suggested the market value of the subject to be \$596,473, which is higher than the assessed value.

Prior to a scheduled June 12, 2023, hearing before a PTAB Administrative Law Judge the parties entered into a written agreement to waive hearing and have a decision rendered based on the previously submitted evidence.

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.

As a preliminary matter the Board gave no weight to the subject's sale on February 24, 2016, for a price of \$347,500. Based on the evidence provided by the appellant, the Board finds that the sale of the subject is a compulsory sale, in the form of a foreclosure. A "compulsory sale" is defined as:

¹ The Property Tax Appeal Board takes judicial notice that the subject property was the subject matter of an appeal before the Board under Docket No. 17-21656.001-R-1 wherein the Board found, based on similar evidence provided by the appellant in this appeal, that the sale of the subject in February 2016 for the price of \$347,500 was a compulsory sale. Furthermore, the Board also takes notice that in the 2017 appeal that some of the appellant's answers to section IV are inconsistent with the answers provided by the appellant in this appeal (86 Ill.Admin.Code §1910.90(i)).

(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 in February 2016 for a price of \$347,500 is a compulsory sale, in the form of a foreclosure, based on the printout from the MLS submitted by the appellant, which states that the sale was pursuant to a foreclosure. Real property in Illinois must be assessed at its fair cash value, which can only be estimated absent any compulsion on either party. The Board finds that the \$347,500 sale price for the subject did not reflect its market value because it was a foreclosure sale.

Additionally, the Board finds that the sale of the subject property in February of 2016 occurred too distant in time to be an accurate indicator of the subject’s fair market value on January 1, 2019. The Board gives the 2016 sale of the subject property no weight and based on this record the Board finds the appellant did not demonstrate by a preponderance of the evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is not justified.

The Board finds that the appraisal submitted by the appellant is entitled to no weight because the appraisal determines the value of the subject property as of February 12, 2016, three years prior to the relevant valuation date of January 1, 2019. Additionally, the Board notes that the appellant’s comparable sales occurred between 2014 and 2015, four and five years prior to the lien date at issue. As such, the Board finds these comparable sales occurred too distant in time to be an accurate indicator of the subject’s fair market value on January 1, 2019, and were given no weight in the Board’s analysis.

The Board finds the appellant failed to sustain the burden of proof by a preponderance of the evidence. “Under the burden of going forward, the contesting party must provide substantive, documentary evidence or legal argument sufficient to challenge the correctness of the assessment of the subject property.” 86 Ill.Admin.Code §1910.63(b). The appellant failed to provide such evidence. 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: June 18, 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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