



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

APPELLANT: Daniel Avenel Linkaven LLC
DOCKET NO.: 19-55129.001-R-1
PARCEL NO.: 31-03-201-158-0000

The parties of record before the Property Tax Appeal Board are Daniel Avenel Linkaven LLC, the appellant, by 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: \$1,606
IMPR.: \$3,354
TOTAL: \$4,960

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a final administrative decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) 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 is improved with a 1-story frame dwelling frame exterior construction with 1,182 square feet of building area. The building was built in 1978 and is approximately 41 years old. Features of the building include central air conditioning and a 1-car garage. The subject's foundation was not disclosed in the record. The property has a 2,142 square foot site and is located in Country Club Hills, Rich Township, Cook County. The subject is classified as a class 2-95 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant, through counsel, marked contention of law and overvaluation as the bases of the appeal. The appellant's brief did not indicate the reason contention of law was marked. However, the appellant filed a direct appeal under the Property Tax Code and indicated the appeal was filed based on a reduction in the previous year's assessment per Section 16-185 of the Property Tax Code. (35 ILCS 200/16-185). The appellant's evidence disclosed the subject property was the

subject matter of an appeal before the Property Tax Appeal Board the prior year under Docket Number 18-42072. In that appeal, the Property Tax Appeal Board issued a decision lowering the assessment of the subject property to \$4,960 based upon the weight of the evidence. The appellant's appeal petition indicated the property is not owner-occupied.

In support of the overvaluation argument, the appellant submitted information on three equity comparables located in the subject's assessment neighborhood code. The comparables are improved with 1-story class dwellings of frame exterior construction with either 1,162 or 1,182 square of building area. The comparables were built from 1978 to 1981 and thus would range in age from 38 to 41 years old. The appellant did not report that the comparables had basement foundations. Two comparables each have central air conditioning. The comparables sold from March 2018 to January 2019 for prices ranging from \$19,300 to \$34,780 or from \$16.61 to \$29.42 per square foot of living area, land included. The appellant disclosed in Section III of the appeal petition that the subject property sold in April 2018 for a price of \$49,600. Based on the evidence, the appellant requests a reduction in the subject's total assessment to \$2,848 which would reflect a market value of \$28,480 or \$24.10 per square foot of living area, land included, when applying the 10% level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$5,784. The subject's assessment reflects a market value of \$57,840 or \$48.93 per square foot of living area, land included, when applying the 10% level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The board of review did not submit any comparable sales in support of the correct assessment. The board of review did acknowledge the appellant's direct appeal and indicated it would stipulate based on PTAB's final decision under Docket Number 18-42072. Based on this evidence, the board of review requested the subject's assessment be confirmed.

The appellant's counsel acknowledges the stipulation from the board of review offering to stipulate to \$4,960 and indicated the stipulation was being rejected.

In written rebuttal, asserted that the board of review failed to provide any evidence to dispute the appellant's request for a reduction. The appellant also provided two grid analyses with one disclosing all the comparables and the second, identical to the first, representing the appellant's opinion of the best comparables. Based on the evidence presented, the appellant's counsel argued that the subject was overassessed and a reduction as requested by the appellant was warranted.

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 met this burden of proof and a reduction in the subject's assessment is warranted.

The only evidence of market value in this record was the three comparable sales submitted by the appellant, in addition to the sale of the subject property in April 2018 for a price of \$49,600 which was disclosed in each parties' evidence.

Based on PTAB's final decision under Docket Number 18-42072, the Board finds that the sale of the subject in April 2018 for \$49,600 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 foreclosure sale, based on the appellant's documentation under Docket Number 18-42072.

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 comparables 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).”)

In the instant appeal, the appellant submitted three comparable sales, as well as both parties' evidence disclosing the April 2018 sale of the subject. The Board finds all three of the appellant's comparables to be similar to the subject in overall property characteristics. Despite the submittal by the appellant of three comparable sales, the Board finds the subject's sale in April 2018 to still be the best evidence of its market value as of January 1, 2019. This sale occurred nine months prior to the January 1, 2019 assessment date at issue and the evidence in the 2018 tax year appeal validated the sale price as the best indicator of market value. Further, the appellant failed to demonstrate how the subject's sale was no longer indicative of its market value as of the 2019 tax year lien date. Based on the evidence in this record, the Board finds a reduction in the subject's assessment to reflect its sale price in April 2018 is warranted.

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 21, 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

AGENCY

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