



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

APPELLANT: David E. McGee
DOCKET NO.: 20-49125.001-R-1
PARCEL NO.: 28-31-404-027-0000

The parties of record before the Property Tax Appeal Board are David E. McGee, the appellant(s), by attorney David C. Dunkin, of Rock Fusco & Connelly, LLC 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 **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: \$3,638
IMPR.: \$15,852
TOTAL: \$19,490

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed a direct appeal pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) challenging the assessment for the 2020 tax year, after receiving a reduction in assessment for the same property in case 19-55292.001-R-1. 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 23-year-old, one-story, single-family home of frame and masonry construction with 1,960 square feet of living area. The property has a 7,659 square foot site and is located in Tinley Park, Bremen Township, Cook County. Features of the building include an unfinished full basement, 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 on overvaluation, specifically based on a recent sale. In support of this argument, the appellant submitted into evidence a Redfin printout that indicates a sale of the subject property, a warranty deed, and answered questions in Section IV of their Residential Appeal. This evidence showed that the subject property was purchased in May of 2017, for a price of \$194,900. The appellant's answers in Section IV indicated that the transaction was not

between family members or related corporations, that there was a realtor involved in the transaction, that the subject was advertised for sale on the Multiple Listing Service, that the property was on the market for approximately three months, and that the sale was not due to a foreclosure action. 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 \$24,967. The subject's assessment reflects a market value of \$249,670 or \$127.38 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%.

In support of its contention of the correct assessment, the board of review submitted information on four sales comparables. The comparable properties ranged: in price between \$257,000 to \$340,000; in living area square footage between 1,857 to 2,076; and in sale price per square foot between \$130.46 to \$168.65, including land. The board of review also argued that the appellant's recent sale was "a foreclosure sale... as the subject was foreclosed in 2014. Doc# 1405742060." The board of review did not submit any documentation corroborating the assertion that the 2017 sale or the 2014 sale was due to a foreclosure action. The board of review also argued that the 2019 PTAB decision that was submitted into evidence had "no relevance to the 2020 tax bill."

Prior to a scheduled June 7, 2024, 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. The Board granted the waiver of hearing.

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 of it, 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.

First the Board examines the appellant's argument based on the recent sale. The Board finds that the sale of the subject in May of 2017 for \$194,900 was not 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 appellant provided sufficient evidence through answering the questions in Section IV to satisfy their burden that the sale was arm's length in nature. Nothing in the evidence submitted by the appellant suggests that the sale was not arm's

length. The board of review made assertions that the sale was not arm's length and due to a foreclosure action; however, the board of review submitted no evidence to support their assertion that the 2017 sale (or the 2014 sale) was due to a foreclosure action or any other evidence challenging the arm's length nature of the sale. A mere assertion does not stand for evidence.

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)).

The Board finds the best evidence of market value to be the purchase of the subject property in June 2018 for a price of \$194,900. The appellant provided evidence demonstrating the sale had the elements of an arm's length transaction. The appellant completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor, the property had been advertised on the open market with the Multiple Listing Service and it had been on the market for about three months. In further support of the transaction the appellant submitted a copy of a Redfin printout and a warranty deed. There was no evidence from the parties that the subject property was sold due to a short sale or foreclosure action. The Board finds the purchase price was below the market value reflected by the assessment. Based on this record, the Board finds the subject property had a market value of \$194,400 as of January 1, 2020, and that a reduction in the subject's assessment is justified. Since market value has been determined, the 10.00% level of assessment for Class 2 property under the Cook County Property Assessment Classification Ordinance shall apply.

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: _____

October 15, 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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