FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Nuburg Group, LLC Series Q
DOCKET NO.: 21-27910.001-R-1
PARCEL NO.: 11-31-303-004-0000

The parties of record before the Property Tax Appeal Board are Nuburg Group, LLC Series Q, the appellant(s), by attorney Nora Devine, of The Devine Law Group, 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:	$5,940
IMPR.:	$17,550
TOTAL:	$23,490

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 2021 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 one unit of an approximately 111-year-old, one-story dwelling of frame construction with 1,350 square feet of living area. Features of the property include a full basement and a two-car garage. The property is located in Chicago, Rogers Park Township, Cook County. The subject is classified as a Class 2-03 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends assessment inequity, overvaluation, and contention of law as the bases of the appeal. In support of the inequity argument, the appellant submitted information on four suggested equity comparable properties with varying degrees of similarities to the subject. These comparables are described as frame or masonry construction dwellings. They range in age from 122 to 130 years; in size from 1,200 to 1,476 square feet of living area; and an improvement assessment from $11.86 to $14.80 per square foot of living area. These properties have one

bathroom. The suggested comparable properties are located within a .60-mile radius of the subject property. The appellant requested the subject's total assessment be reduced.

In support of the overvaluation argument, the appellant submitted evidence disclosing the subject property was sold on September 11, 2018 for a price of $83,000. The appellant submitted into evidence copies of a settlement statement. Section IV Recent Sale Data of the appeal form confirmed: the sale date and price; the transfer was not between family or related corporations and was sold by owner; the subject was advertised on the Multiple Listing Service for 170 days before the sale; and the subject was sold due to a foreclosure action. Additionally, the appellant submitted a Listing & Property History Report on the subject property. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect 10% of the purchase price.

Additionally, in support of its contention of law, the appellant contends that the property was in an uninhabitable condition at the time of the sale. In support of this argument, the appellant submitted information on the purchase of the property in September of 2018, for a purchase price of $83,000 or $61.15 per square foot of living area, land included in the sales price. Further, appellant offered evidence of state of the improvement and the prospective construction of a new improvement on the property. In furtherance of this argument, the appellant contends by contention of law that the improvement was designated as uninhabitable. In support of this argument, the appellant submitted information regarding the subject's uninhabitability including photos, City of Chicago building permits and inspection records, architectural drawings for the new improvement after permitting is complete, and a sworn affidavit. As the subject property is owned by a business entity, it is not an owner-occupied property. Based on this evidence, the appellant requested a reduction in the subject's total assessment of $7,812 based on diminution of value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of $31,590. The subject's assessment reflects a market value of $315,900, 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 sales information on one suggested comparable property with varying degrees of similarities to the subject, which sold on August 13, 2021 for $465,000. The subject property has an improvement assessment of $25,650 or $19.00 per square foot of living area. In support of its contention of the correct assessment, the board of review submitted information on four suggested equity comparable properties with varying degrees of similarities to the subject. These comparables are described as frame, masonry, or frame and masonry construction, one-story dwellings. They range in age from 98 to 113 years; in size of 1,000 to 1,567 square feet of living area; and an improvement assessment ranging from $20.49 to $25.66 per square foot of living area. These properties have full basements. The properties are located in the same subarea as the subject property. The board of review requested that the assessment be confirmed.

In rebuttal, the appellant submitted a Multiple Listing Service closing data sheet for the board of review's suggested comparable #2 which disclosed the sales information and pointed out characteristic differences to the subject to the board of review's suggested comparable

properties. The appellant reaffirmed its position that the 2021 assessed value for the subject property is excessive and that the total assessment should be reduced.

On November 20, 2025, prior to the scheduled hearing date, the parties agreed to waive their right to a hearing and for the Board to render its decision on the evidence.

Conclusion of Law

The appellant contends assessment inequity, overvaluation, and contention of law as the bases of the appeal.

As to the appellant's contention of law argument, Property Tax Appeal Board (PTAB) Rule §1910.69(a) "Standard of proof. Unless otherwise provided by law or stated in the agency's rules, the standard of proof in any contested case hearing conducted under this Act by an agency shall be the preponderance of the evidence." 5 ILCS 100/10-15. Additionally, "The Property Tax Appeal Board may consider appeals based upon contentions of law. Such contentions of law must be concerned with the correct assessment of the subject property. If contentions of law are raised, the party **shall submit a brief in support of his position**." 86 Ill.Admin.Code §1910.65(d). PTAB Rules also provide that the **"[f]ailure of any party to comply fully with all rules and/or specific requests of the Property Tax Appeals Board … shall result in the default of that party."** PTAB Rules provide that "[u]nder 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. **Failure to do so will result in the dismissal of the appeal."** Ill.1 Admin Code, Title 86, Chapter II, Part 1910, §1910.63(b) ("PTAB Rules"). (emphasis added). In this case, the Board notes appellant selected "contention of law" in its appeal form but did not include a legal brief or any legal argument for its contention of law basis on diminution of value. Therefore, the Board gives no weight to appellant's contention of law basis for its diminution of value contention for its appeal.

Turning to the taxpayer's overvaluation contention, 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's task in this case is to determine the correct assessment of the subject property. *See* 35 ILCS 200/16-180. Under Illinois law, real property must be valued at its fair cash value, meaning the price that would be paid for it at a fair, voluntary sale where the buyer and seller are both ready, willing, and able to buy and sell, but neither is compelled to do so. Bd of Educ of Meridian Community School Dist. No. 223 v. Ill. Property Tax Appeal Bd., 2011 IL App (2d) 100068, ¶ 36. A contemporaneous sale of the subject property between parties dealing at arms-length is practically conclusive on the issue of whether an assessment reflected the fair cash market value of the property. Gateway-Walden LLC v. Pappas, 2018 IL App (1st) 162714, ¶ 33.

The Board finds that the sale of the subject in September 2018 for $83,000 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, in the form of a foreclosure sale, based on the parties' documentation.

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).")

The appellant presented evidence that the subject property was sold on September 11, 2018, for a price of $83,000. The appellant filled out Section IV - Recent Sale Data of the PTAB residential appeal form and disclosed that the parties to the transaction were not related, the property was sold by a realtor, and the property had been advertised through Multiple Listing Service (MLS). The appellant also disclosed that the sale was due to a foreclosure action. The Board finds per the MLS and Listing and Property History Report, the subject was originally listed for $187,900 in February of 2018 and reduced the sale price multiple times before its final listing price of $99,900 in September of 2018. The Board finds that the subject sold for less than the reduced sale price due to foreclosure action in September of 2018 for $83,000.

The parties' evidence did not dispute that the sale was a compulsory sale in the form of a foreclosure sale. The appellant failed to submit any sales for the Board's consideration. The board of review submitted one additional sale to show that the sale of the subject in August 2021 for $465,000 was not at its fair cash value. Based on the evidence, the Board finds that the subject's purchase price is well below its fair market value as of January 1, 2021. Since there is no supporting evidence from the appellant that the sale price of the subject was at its fair cash

value, the Board finds that the subject is not overvalued and holds that a reduction is not warranted on this basis.

Now turning to the assessment inequity contention. The Illinois Constitution requires that real estate taxes "be levied uniformly by valuation ascertained as the General Assembly shall provide by law." Ill. Const., art. IX, § 4 (1970); Walsh v. Property Tax Appeal Board, 181 Ill. 2d 228, 234 (1998). This uniformity provision of the Illinois Constitution does not require absolute equality in taxation, however, and it is sufficient if the taxing authority achieves a reasonable degree of uniformity. Peacock v. Property Tax Appeal Board, 339 Ill. App. 3d 1060, 1070 (4th Dist. 2003).

When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Clear and convincing evidence means more than a preponderance of the evidence, but it does not need to approach the degree of proof needed for a conviction of a crime. Bazyldo v. Volant, 164 Ill. 2d 207, 213 (1995). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did meet this burden of proof and a reduction on this basis in the subject's assessment is warranted.

The Board finds the best evidence of assessment equity is the appellant's suggested comparables #1, #3, and #4. The dwellings on these comparables are similar to the subject dwelling in age, construction, location, amenities and living area size.

The best comparables had improvement assessments that ranged from $11.86 to $14.80 per square foot of living area. The subject's improvement assessment of $19.00 per square foot of living area falls above the range established by the best comparables in this record. After considering all the best comparable properties submitted by the parties with emphasis on those properties that are proximate in location, similar in size of living area, and with similar features to the subject and after further considering adjustments to the best comparable properties for differences from the subject, the Board finds the appellant did demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment is 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:

C E R T I F I C A T I O N

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 17, 2026

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 9-215 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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