



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

APPELLANT: Darrin L. Jackson  
DOCKET NO.: 21-38171.001-R-1  
PARCEL NO.: 21-31-127-049-0000

The parties of record before the Property Tax Appeal Board are Darrin L. Jackson, the appellant(s), 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 **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: \$4,750  
IMPR.: \$3,850  
TOTAL: \$8,600

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 a 98-year-old, two-story, multi-family dwelling of masonry construction with 2,736 square feet of living area. Features of the building include a partial basement with a formal recreation room, three full bathrooms, one half-bath, and a two-car garage. The property has a 4,750 square foot site and is located in Chicago, Hyde Park Township, Cook County. The subject is classified as a Class 2-11 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant appeal is based on overvaluation under the theory of a recent sale. In support of this argument the appellant submitted evidence disclosing the subject property was purchased in June of 2020, for a price of \$86,000, or \$29.24 per square foot of living area, including land. The appellant submitted a settlement statement, a Multiple Listing Service (MLS) data closing sheet, an unsigned Illinois Real Estate Transfer Declaration (PTAX-203), information on three

comparable sales<sup>1</sup>, and answered some of the questions in Section IV of the residential appeal. This evidence included some answers to Section IV – Recent Sale Data on the Residential Appeal form. The answers showed that the sale was by an unnamed realtor and was not between family members or related corporations. The method of advertisement was listed as through the MLS. The appellant did not answer the question of how long a period the subject property was advertised for. The appellant also failed to answer the question of whether the property was sold due to a foreclosure action. The MLS closing sheet however did indicate that the property was sold “as-is” due to a foreclosure action. The seller of the property was listed as Wells Fargo Bank NA. Additionally, conflicting evidence was submitted as to whether the property was advertised. The unsigned Illinois Real Estate Transfer Declaration indicated that the subject property was not advertised for sale while the MLS closing data sheet showed that it was listed on January 15, 2020, and that it was off the market due to a contract on February 18, 2020<sup>2</sup>.

The appellant also contends overvaluation under the theory of comparable sales. In support of this argument the appellant submitted information on three comparable sales. The comparable properties sold between November 2020 and June 2021. The comparables were located between 0.33 and 1.08 miles of the subject property. The comparable properties ranged: in price between \$10,925 to \$116,000; in living area square footage between 2,400 to 2,736; and in sale price per square foot between \$4.12 to \$42.40, including land.

The appellant submitted a brief in support of these arguments and requested the subject’s total assessment be reduced to \$4,750.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$13,000. The subject's assessment reflects a market value of \$130,000 or \$47.51 per square foot of living area, land included, when using the 10% level of assessments for class 2 property under the Cook County Real Property Assessment Classification Ordinance. In support of its contention of the correct assessment the board of review submitted information on four sales comparables. Each of the comparable sales was located within a quarter of a mile of the subject property. The sales comparable properties ranged: in price between \$230,000 to \$295,000; in living area square footage between 1,920 to 3,435; and in sale price per square foot between \$75.40 to \$119.79, including land. Based on this evidence, the board of review requested that the assessment be confirmed. Additionally, the board of review did not explicitly question the validity of any of the appellant’s sales comparables.

In rebuttal, the appellant submitted a letter containing argument that the sale price was indicative of market value and that their submitted comparable sales is further support of the sale price being market value. The appellant reaffirmed their request for an assessment reduction.

### Conclusion of Law

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<sup>1</sup> These three sales comparables were submitted as support of the recent sale price being reflective of market value and also submitted to show overvaluation based on the comparable sales alone.

<sup>2</sup> The Board finds that the property was put on the market due to a foreclosure action. The appellant’s failed to disclose in the residential appeal form that the subject was sold due to a foreclosure action. The most reliable evidence to show that the subject property was sold due to foreclosure action was the MLS closing sheet.

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.

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 the 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. Ordinarily, a contemporaneous sale of the subject property between sale of the subject property between parties dealing at arms-length is practically conclusive on the issue of whether as assessment reflected the fair cash market value of the property. Gateway-Walden, LLC v. Pappas, 2018 IL App (1<sup>st</sup>) 162714, ¶ 33.

The Board finds that the sale of the subject in June of 2020 for \$86,000 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, based on the MLS closing data sheet. This is further evidenced by the absence of a declaration to the contrary in Section IV of the Residential Appeal and that it was a bank-owned property sale by Wells Fargo Bank NA.

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)). A compulsory sale is not an arm's length sale.

A compulsory sale, while not an arm's length sale, may still be reflective of a fair market value. 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 an appraisal or the sales of comparable properties. 86 Ill.Admin.Code

§1910.65(c); 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 determining the market value of the subject, the Board looks to the market value evidence submitted by the parties to determine whether the purchase price was at the subject's fair market value.

The appellant submitted three comparable sales as support that the sale price was reflective of market value. After considering the sales comparables provided by the appellant, the Board finds that appellant's comparable #2 is given less weight due to the remoteness of their location to the subject property. This comparable was over a mile from the subject property.

The board of review also submitted sales comparables. The Board finds that the board of review's comparables #1, #2, and #4 are given less weight due to differences of size, age, and/or amenities between them and the subject property.

The Board finds the best supporting evidence to determine if the sale price is reflective of market value to be the appellant's comparable sales #1, and #3 and the board of review's comparable sale #3. These comparables sold for prices ranging from \$17.36 to \$103.94, per square foot of building area, including land.

The subject's sale price of \$86,000 reflects a market value of \$29.24, per square foot, including land, which is within the range of the best sale comparable properties contained in the record. Moreover, the subject's current assessed value reflects a market value of \$47.51 per square foot of living area, including land, which is also within the range of the best submitted comparable properties.

As stated before, an arms-length sale is generally the best evidence of market value. Here we do not have an arms-length sale, but rather a compulsory sale subject to a foreclosure action that was exposed to the open market for approximately one month. The sale price per square foot range created by the best evidence is quite wide, but based on the evidence in the record, it does show that the compulsory sale price per square foot resides in that range. Therefore, the compulsory sale price is supported by extrinsic evidence and the Board finds that the appellant has met their burden by a preponderance of the evidence that the compulsory sale price is reflective of market value. The Board finds that the subject property was over-assessed and a reduction in the subject's assessment is justified.

Although, the submitted evidence determined that the compulsory sale price of the subject is reflective of market value for the lien year of 2021, the same evidence also reflects that the sale price falls within the range established by the best comparable sales in this record. Furthermore, the subject's current assessed value reflects a market value of \$47.51 per square foot of living area, including land, which is also within the range of the best submitted comparable properties. However, the Illinois courts have determined that the best evidence of market value is a sale. When a sale is compulsory the sale price must be supported by other evidence to support the contention that the compulsory sale price is reflective of market value. Here, the compulsory sale

price of the subject property is supported by other evidence, namely the sale price per square foot, including land, is within the range of the best sales comparables. The Board finds the evidence of the compulsory sale along with the supportive evidence of the comparable sales to be the best evidence of market value. Based on this record, the Board finds the appellant demonstrated by a preponderance of the evidence that the subject property was overvalued 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.

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Chairman

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Member

Member

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Member

Member

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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: \_\_\_\_\_

December 17, 2024  
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Clerk of the Property Tax Appeal Board

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Clerk of the Property Tax Appeal Board

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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