



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

APPELLANT: Jay Haggarty  
DOCKET NO.: 22-35848.001-R-1  
PARCEL NO.: 02-17-402-012-0000

The parties of record before the Property Tax Appeal Board are Jay Haggarty, the appellant(s), by attorney Dora Cornelio, of Schmidt Salzman & Moran, Ltd. 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:** \$8,232  
**IMPR.:** \$69,185  
**TOTAL:** \$77,417

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 2022 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 two-story dwelling of frame construction with 6,564 square feet of living area. The dwelling was 34 years old. Features of the home include a full basement, central air conditioning, two fireplaces, and a three-car garage. The property has a 36,590 square foot site and is located in Inverness, Palatine Township, Cook County. The subject is classified as a class 2-09 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on overvaluation and inequitable assessment. In support of the argument of overvaluation the appellant submitted evidence disclosing the subject property was purchased on July 8, 2022, for a price of \$700,000 or \$106.64 per square foot of living area, land included in the sales price. Appellant submitted Section IV–Recent Sale Data of the Residential Appeal form asserting that the property was not transferred between family members or related

corporations, was sold using a realtor, was advertised on the multiple listing services, was not sold due to a foreclosure action, and was not sold using a contract for deed. Appellant submitted a sales contract, residential real property disclosure reports, and a mortgage pre-approval certificate. The appellant submitted an affidavit of 'arm's length transaction' which asserts that the sale was a 'short sale.' Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

In support of the argument of inequitable assessment the appellant submitted information on five class 2-09 equity comparable properties which are located within the same neighborhood code as the subject but for which the appellant did not provide proximity to the subject. The improvements ranged: in age from 28 to 53 years; in size from 5,525 to 6,813 square feet of living area; and in improvement assessment from \$9.82 to \$11.18 per square foot of living area. Appellant disclosed that this is an owner-occupied residence. Based on this evidence the appellant is seeking a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$84,999. The subject's assessment reflects a market value of \$849,990 or \$129.49 per square foot of living area, land included, when using the level of assessments for class 2 property of 10% 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 three comparable sales properties which sold from February 2021 to June 2022 for sales prices from \$950,000 to \$1,100,000 or from \$147.54 to \$187.94 per square foot of living area, land included in the sales prices. These properties were located in different neighborhood codes than the subject and the board of review did not provide the distance from the comparables to the subject. The improvements were from 36 to 58 years old and had from 5,853 to 6,439 square feet of living area.

The board of review suggested these same three properties in response to the appellant argument of assessment inequity. These properties are described above and had improvement assessments from \$11.58 to \$12.65 per square foot of living area. Based on this evidence the board of review requested confirmation of the subject's assessment.

### **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 on that basis is not warranted.

In addressing the appellant's market value argument, the Board finds that the sale of the subject in July 2022 for \$700,000 is a "compulsory sale." The 'arm's length transaction' affidavit indicates that it is also a "short sale affidavit", and suggests the "...benefits to be derived from the short sale of the property." 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. 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.

Board of Educ. of Meridian Community Unit School Dist. No. 223 v. Illinois Property Tax Appeal Board, 961 N.E.2d 794, 802, 356 Ill.Dec. 405, 413 (2d Dist. 2011) citing Chrysler Corp. v. Illinois Property Tax Appeal Board, 69 Ill.App.3d 207, 211 387 N.E.2d 351 (2d Dist. 1979)).

However, the Illinois General Assembly recently provided very clear guidance for the Board with regards to compulsory sales. Section 16-183 of the Illinois Property Tax Code states as follows:

The Property Tax Appeal Board shall consider compulsory sales of the comparable properties for the purpose of revising and correcting assessments, including those compulsory sales of comparable properties submitted by the taxpayer.

35 ILCS 200/16-183. Therefore, the Board is statutorily required to consider the compulsory sale of comparable properties submitted by the parties to revise and/or correct the subject's assessment.

The evidence submitted disclosed that the subject's sale was a compulsory sale. In determining the fair market value of the subject property, the Board looks to the evidence presented by the parties. The comparable sales properties suggested by the board of review are located in different neighborhood codes than the subject and differ from the subject in exterior construction and amenities. The Board finds that the recent sale suggested by the appellant and the suggested comparable sales suggested by the board of review are not sufficient evidence. While the board of review failed to provide support for their contention of the correct assessment based on market value, it is ultimately the appellant's burden of showing improper assessment based on valuation in the assessment process by a preponderance of the evidence. The appellant failed to do so based on the record before the Board and a reduction on this basis is not warranted.

The taxpayer also contends assessment inequity as a basis of the appeal. 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). 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 in the subject's assessment on this basis is warranted.

The parties submitted eight equity comparable properties for the Board's consideration in determining assessment equity. The Board finds that the best evidence of assessment equity is appellant's comparables #1, #3, and #4. Appellant's comparables #1, #3, and #4 were similar to the subject in age, size, full basement, and central air conditioning. These comparables were all in the same neighborhood code as the subject. All of the board of review's suggested equity comparables were in different neighborhood codes than the subject. Appellant's comparables #1, #3, and #4 were similar to the subject and had improvement assessments from \$9.82 to \$10.94 per square foot of living area. Appellant's improvement assessment of \$11.70 per square foot of living area falls above the range established by the best comparable properties in this record. Based on this record the Board finds that the did demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed and a reduction in the subject's assessment on this basis 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: \_\_\_\_\_

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 16, 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 9-125 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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