



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

APPELLANT: Mark Hyzy
DOCKET NO.: 23-26437.001-R-1
PARCEL NO.: 29-05-406-028-0000

The parties of record before the Property Tax Appeal Board are Mark Hyzy, the appellant(s); 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: \$1,585
IMPR.: \$3,915
TOTAL: \$5,500

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 2023 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 3,730 square foot parcel of land improved with an 81-year-old, one-story, masonry, single-family dwelling containing 768 square feet of building area. The property is located in Riverdale, Thornton Township, Cook County and is classified as a class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal based on the recent sale of the subject. In support of this argument, the appellant submitted a brief arguing that the subject property was listed on the open market on October 19, 2022 for \$58,000 and a contingent contract was signed on October 31, 2022 for \$55,000. The appellant argued this was proof of the subject's market value and the assessment should be lowered to reflect the sale price. In addition, the appellant argued that the condition of the subject as listed in the inspection report supports the sale price. The appellant acknowledged that he cancelled the contract in February 2023 and removed the advertisement of the property. He included the sales contract and the inspection

report to support these arguments. The appellant also included color photographs of the subject. The petition discloses that the transfer was not between related parties, that the property was sold using a realtor, was advertised on the multiple listing for five months, and that the property was not sold due to a foreclosure or for a contract for deed. The petition also disclosed that the subject was owner-occupied.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's total assessment of \$7,138 which reflects a market value of \$71,380 or \$92.94 per square foot of building area using the Cook County Real Estate Classification Ordinance level of assessment for class 2 property of 10%.

In support of the current assessment, the board of review submitted four sales comparables. These comparables are described as one or one and one-half story, masonry or frame and masonry, single-family dwellings located in Dolton. They range in age from 74 to 76 years and in size from 729 to 816 square feet of building area. They sold from September 2022 to June 2023 for prices ranging from \$119,900 to \$164,000 or from \$157.76 to \$224.97 per square foot of building area.

In rebuttal, the appellant submitted a letter arguing that the board of review failed to submit comparables located in Riverdale and failed to consider the subject's sale price. The appellant reiterated that the subject property was listed for sale and sold on October 31, 2022 for \$55,000. The appellant acknowledged that he exercised his contingency clause in February 2023 and that the sale did not come to completion. The appellant argued that the Dolton comparables submitted by the appellant were not similar in location to the subject as they are at least 1.21 miles from the subject and not similar in characteristics. The appellant then described each comparable and their differences to the subject.

Finally, the appellant argued that the comparables used by the board of review at the board of review level hearing were not included in the Property Tax Appeal Board (the Board) appeal and therefore, the board of review should be defaulted. Section 16-180 of the Property Tax Code (35 ILCS 200/16-180) states in part:

All appeals shall be considered de novo and the Property Tax Appeal Board shall not be limited to the evidence presented to the board of review of the county. A party participating in the hearing before the Property Tax Appeal Board is entitled to introduce evidence that is otherwise proper and admissible without regard to whether that evidence has previously been introduced at a hearing before the board of review of the county.

The Board finds that the comparables submitted by the board of review are proper and admissible and therefore will consider this evidence and apply proper weight. The appellant also included these prior comparables in rebuttal as evidence that the subject is overvalued. The Official Rules of the Property Tax Appeal Board prohibit the submission of new evidence in rebuttal and, therefore, these comparables cannot be considered by the Board. 86 Ill.Admin.Code 1910.66 (c).

At hearing, the appellant, Mark Hyzy, argued that the board of review failed to consider the subject's sale price when assessing the property and then failed to include the previously used comparables that were used when the subject received a reduction at the board of review level appeal. He testified that the property was sold in 2022 and was based on contingency. Mr. Hyzy testified that had to find a property to purchased to allow for the sale of the subject but was unable to find another property and exercised this contingency in February 2023. He testified that he did use a realtor for the sale of the subject in October 2022. Mr. Hyzy testified that the Riverdale Fire Department conducted the inspection as required by the city. He testified that they did a physical inspection of the property and noted violations.

The board of review's representative, Mariclare O'Connor, argued that the appellant's only argument is the sale of the subject, but the sale never closed and therefore, there is no sale. She argued that the sale contract is not relevant to market value as there was no sale. Ms. O'Connor argued that the sales comparables submitted by the board of review adequately support the subject's assessment. She argued that the comparables submitted by the appellant in rebuttal should have been submitted in the appellant initial filing and based on the Board's rules, should not be considered as part of the evidence. Mr. Hyzy questioned why the board of review would submit different comparables from those used at the board of review level appeal. Ms. O'Connor answered that the evidence at the Property Tax Appeal Board level appeal is gather separately from the board of review level appeal.

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 Illinois Supreme Court defined fair cash value as "what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready willing and able to buy but not forced to do so." Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d. 428, (1970). Furthermore, section 1-50 of the Property Tax Code defines fair cash value as:

The amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller. (35 ILCS 200/1-50)

The Board finds the contract price sets the upper limit of value for the subject property and clearly undermines the board of review's initial value conclusion of \$71,380. The petition disclosed the subject was listed on the open market for five months and the evidence shows realtors were involved in the transaction. Based on this record, the Property Tax Appeal Board finds the subject property has a fair cash value of \$55,000 as of January 1, 2023. In addition, the Board gives little weight the board of review's comparables as they are located in a differing town and the board of review has not shown these markets are similar. The subject's assessment

reflects an estimated market value of \$71,380, which is not supported by the evidence contained in this record. Therefore, a reduction in the subject's assessed valuation is supported.

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

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: _____

July 15, 2025

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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