



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

APPELLANT: Kenneth Numerowski
DOCKET NO.: 13-34415.001-R-1
PARCEL NO.: 06-36-116-029-0000

The parties of record before the Property Tax Appeal Board are Kenneth Numerowski, the appellant(s), by attorney Herbert B. Rosenberg, of Schoenberg Finkel Newman & Rosenberg 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 **No Change** 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: \$ 2,784
IMPR.: \$29,017
TOTAL: \$31,801

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 2013 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 masonry construction that is 42 years old. The dwelling is situated on a 10,125 square foot site. The property is located in Hanover Township, Cook County. The subject is classified as a class 2-11 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of appeal. In support of this argument, the appellant submitted a closing statement listing the Seller as Bank United. The appellant's evidence indicates the subject property sold pursuant to a foreclosure on February 28, 2011 for \$95,000, or \$24.05 per square foot, including land. The property was sold using a Realtor and was listed on the open market for five months. The appellant also indicated that the transfer was not between family members or a related corporation.

As further evidence of the subject's fair market value, the appellant also provided an appraisal valuing the subject at \$175,000 as of January 1, 2013. The appraisal included five sales, one of which was that of the subject property. Based on this evidence, the appellant requested an assessment reduction to \$9,500.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$31,801. The subject's assessment reflects a market value of \$318,010, or \$80.51 per square foot, including land, when applying the assessment level of 10% as established by the Cook County Real Property Classification Ordinance. In support of its contention of the correct assessment, the board of review submitted three sale comparables. The grid sheet also reflected the sale of the subject in February 2011 for \$95,000. Based on this evidence, the board requested confirmation of the subject's assessment.

In written rebuttal, the appellant's attorney argued that the appraisal and recent sale of the subject should be given more weight than the board of review's sale comparables.

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 is not warranted.

The Board finds that the sale of the subject in February 2011 for \$95,000 was a "compulsory sale" through the documentation submitted by the parties. 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.

Additionally, 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., 2011 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 that the sale of the subject is a compulsory sale, in the form of a foreclosure, based on the settlement statement, Special Warranty Deed and appraisal which were submitted by the appellant.

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 comparable 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).”)

In determining the fair market value of the subject property, the Board gives no weight appraiser's valuation conclusion as the appraiser included the sale of the subject property as one of the five comparable properties used in reaching the subject's market value conclusion. In using the sale of the subject property that is the subject of this appeal, the appraiser skewed his conclusion of value, especially given that the sale of the subject was a compulsory sale.

The Board, however, will consider the remaining four sale comparables contained in the appraisal without regard to the appraiser's value conclusion, as well as the board of review's sale comparables. The Board finds that the appellant's sale Comparable(s) #2 #3, and #5, as well as the board of review's sale #1, are similar to the subject in various factors. These comparables sold for unadjusted prices ranging from \$26.21 to \$91.27 per square foot of living area, including land. In comparison, the subject's sale price reflects a market value of \$24.05 per square foot, including, land, which is below the range of the sale comparables. Moreover, the current assessed value reflects a market value of \$80.51 per square foot of living area, including land, which is within the range of the best comparables. After considering adjustments for similarities and differences in the comparables when compared to the subject, the Board finds the subject's per square foot value is not supported and a reduction in the subject's assessment is not warranted.

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: February 13, 2019



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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