FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Astor Property Management Corp.
DOCKET NO.: 08-27180.001-R-1
PARCEL NO.: 21-30-109-005-0000

The parties of record before the Property Tax Appeal Board are Astor Property Management Corp., the appellant(s), by attorney Steven Kandelman, of Sarnoff & Baccash in Chicago; and the Cook County Board of Review.

Based on the facts and exhibits presented, 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:	$ 3,465
IMPR.:	$ 17,467
TOTAL:	$ 20,932

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 3,332 square foot parcel of land improved with an 85-year old, two-story, masonry, multi-family dwelling containing 2,708 square feet of living area, two baths, a fireplace, and a full, finished basement. The appellant argues that the market value of the subject property is not accurately reflected in the property's assessed valuation and that the subject in equitably assessed as the bases of this appeal.

In support of the market value argument, the appellant included a copy of the settlement statement indicating the subject sold on November 5, 2008 for $78,000. The statement indicates fees where paid to a realtor. The settlement statement also lists the

grantee as a land trust and the grantor as a foreclosure sales company.

In support of the equity argument, the appellant submitted descriptions and assessment information on a total of five properties suggested as comparable. The properties are described as two-story, masonry, multi-family dwellings. The properties have varying amenities. They range in age from 94 to 103 years and in size from 2,148 to 3,096 square feet of living area with improvement assessments of $5.28 per square foot of living area. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment of $20,932 with an improvement assessment of $6.45 per square foot of living area. The subject's final assessment reflects a fair market value of $218,042 or $80.52 per square foot of living area using the Illinois Department of Revenue's 2008 three year median level of assessment for class 2 property of 9.60%.

In support of the subject's assessment, the board of review submitted descriptions and assessment information on four properties. These properties are described as two-story, masonry, multi-family dwellings with various amenities. The properties range: in age from 82 to 89 years; in size from 2,544 to 2,714 square feet of living area; and in improvement assessments from $7.79 to $8.41 per square foot of living area. The board of review also listed the sale of the subject in December 2005 for $285,000. As a result of this analysis, the board requested confirmation of the subject's assessment.

After considering the evidence and reviewing the record, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331Ill.App.3d 1038 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arm’s length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. 86 Ill.Admin.Code 1910.65(c).

In addressing the appellant's market value argument, the PTAB finds that the sale of the subject in November 2008 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. 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 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 PTAB is statutorily required to consider compulsory sales of comparable properties.

In considering the compulsory sale of the subject property the PTAB looks to the comparable sales to determine if the subject's

sale was reflective of the market. The PTAB finds neither the appellant nor the board of review presented any sales comparables. The board of review listed a previous sale for the subject in December 2005 $285,000. Therefore, the PTAB finds the appellant failed to prove by a preponderance of the evidence that the subject's sale was reflective of the market and a reduction in the assessment is not warranted.

The appellant also contends unequal treatment in the subject's improvement assessment as the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data, the PTAB finds the appellant has not met this burden.

The parties presented a total of nine properties suggested as comparable. The PTAB finds the appellant's comparable #2 and the board of review's comparables most similar to the subject in size, design, construction, location, and/or age. These properties range: in age from 82 to 103 years; in size from 2,520 to 2,714 square feet of living area; and in improvement assessments from $5.28 to $8.32 per square foot of living area. In comparison, the subject's improvement assessment of $6.45 per square foot of living area is within the range of these comparables. Therefore, after considering adjustments and the differences in both parties' comparables when compared to the subject, the PTAB finds the subject's per square foot improvement assessment is supported and a reduction in the improvement 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.

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: April 18, 2014

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 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 the subsequent year 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.

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.