



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

APPELLANT: Ahmed Ateyat
DOCKET NO.: 08-27924.001-C-1 through 08-27924.003-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Ahmed Ateyat, the appellant(s), by attorney Ronald A. Shudnow, of Shudnow & Shudnow, Ltd. in Chicago; and the Cook County Board of Review.

Based on the facts and exhibits presented, 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
08-27924.001-C-1	25-32-216-027-0000	7,455	614	\$ 8,069
08-27924.002-C-1	25-32-216-028-0000	7,455	30,561	\$ 38,016
08-27924.003-C-1	25-32-216-029-0000	7,455	15,095	\$ 15,095

Subject only to the State multiplier as applicable.

ANALYSIS

The subject has 13,075 square feet of land, which is improved with a 48 year old, one-story, masonry, commercial retail building. The subject's improvement size is 5,700 square feet of building area, and its total assessment is \$131,222. This assessment yields a fair market value of \$345,321, or \$60.58 per square foot of building area (including land), after applying the 38% assessment level for commercial properties under the 2008 Cook County Classification of Real Property Ordinance. The appellant, via counsel, argued that the fair market value of the subject property was not accurately reflected in its assessed value as the basis of this appeal.

In support of the market value argument, the appellant submitted a commercial appraisal report for the subject property with an effective date of January 1, 2008. The appraiser estimated a fair market value for the subject of \$170,000 based on the cost, income, and sales comparison approaches to value. The appraiser also conducted an inspection of the subject.

The appellant also submitted evidence showing that the subject sold in June 2006 for \$161,000. This evidence included a statement in the appraisal report. Furthermore, the appellant's

pleadings state that the sale was not between related parties, that the subject was advertised for sale on the open market, and that the sale was pursuant to a foreclosure. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The Cook County Board of Review submitted its "Board of Review-Notes on Appeal," wherein the subject's final assessment of \$131,222 was disclosed. In support of the subject's assessment, the board of review submitted a property record card for the subject, and raw sales data for six commercial retail buildings located within five miles of the subject. The sales data was collected from the CoStar Comps service, and the CoStar Comps sheets state that the research was licensed to the Cook County Assessor's Office. However, the board of review included a memorandum which states that the submission of these comparables is not intended to be an appraisal or an estimate of value, and should not be construed as such. The memorandum further states that the information provided was collected from various sources, and was assumed to be factual, accurate, and reliable; but that the information had not been verified, and that the board of review did not warrant its accuracy.

The comparables are described as commercial retail buildings. Additionally, the comparables are from 16 to 56 years old, and have from 4,300 to 7,100 square feet of building area. The comparables sold between June 2003 and March 2009 for \$165,000 to \$480,000, or \$30.00 to \$109.09 per square foot of building area, including land. The board of review also submitted evidence showing that the subject sold in June 2006 but no sale price was included. This evidence included a warranty deed. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant argued that the board of review's comparables should be given no weight because they were not adjusted for market conditions, and the memorandum was not prepared by an appraiser.

At hearing, the appellant's attorney, Scott Shudnow, argued, through testimony elicited from Arthur Murphy, M.A.I., M.B.A., that the subject was sold in June 2006 at auction. Mr. Murphy testified that this sale price appeared to be indicative of the market at the time of the sale, as indicated by the sales comparables presented in the appraisal. Mr. Murphy also testified that the neighborhood where the subject is located is not very good for commercial businesses. As evidence of this fact, Mr. Shudnow asked that a settlement statement be admitted into evidence. This settlement statement showed that the subject was sold in June 2012 for \$65,000. Mr. Shudnow acknowledged that this sale was a short sale. The Cook County Board of Review Analyst, Chris Beck, objected to the admission of the settlement statement on relevancy grounds. The objection was overruled, and the settlement statement was accepted into evidence for the limited purpose of showing that the subject's neighborhood was

not a good area for commercial businesses. It was explained that the subject's sale price would have no bearing on the decision rendered. Therefore, the settlement statement was accepted into evidence and marked as "Appellant's Hearing Exhibit #1." Mr. Beck argued that the sale of the subject in June 2006 was not an arm's-length transaction, and should have no bearing on the subject's fair cash value as of January 1, 2008. In rebuttal, Mr. Shudnow argued that the board of review's sales comparables should not be considered because no adjustments were made for market conditions.

After reviewing the record, considering the evidence, and hearing the testimony, the Property Tax Appeal Board (the "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. Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 339 Ill. App. 3d 529, 545 (1st Dist. 2002); National City Bank of Michigan/Illinois v. Prop. Tax Appeal Bd., 331 Ill. App. 3d 1038, 1042 (3d Dist. 2002) (citing Winnebago Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 313 Ill. App. 3d 179 (2d Dist. 2000)); 86 Ill. Admin. Code § 1910.63(e). 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. Calumet Transfer, LLC v. Prop. Tax Appeal Bd., 401 Ill. App. 3d 652, 655 (1st Dist. 2010); 86 Ill. Admin. Code § 1910.65(c). "[A] contemporaneous sale between parties dealing at arm's length is not only relevant to the question of fair cash market value, (citations) but would be practically conclusive on the issue of whether an assessment was at full value." People ex rel. Korzen v. Belt Ry. Co. of Chi., 37 Ill. 2d 158, 161 (1967). Having considered the evidence presented, the Board finds that the evidence indicates a reduction is warranted.

In addressing the appellant's market value argument, the Board finds that the sale of the subject in November 2008 for \$50,000 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. 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., 961 N.E. 2d 794, 802 (2d Dist. 2011) (citing Chrysler Corp. v. Ill. Prop. Tax Appeal Bd., 69 Ill. App. 3d 207, 211 (2d Dist. 1979)).

However, when there is a recent sale of the subject, and that sale is a compulsory sale, the Board may consider evidence which would show whether the sale price was representative of the subject's fair cash value. Calumet Transfer, 401 Ill. App. 3d at 655-56. In this case, the appellant submitted an appraisal, which used the sales comparison approach to value, to show that the sale of the subject in June 2006 for \$161,000 was at its fair cash value. See, e.g., id. The Board finds the sales comparison approach contained in the appraisal persuasive, in that it supports the subject's sale price.

Therefore, in determining the fair market value of the subject property, the Board finds the best evidence to be the sale of the subject in June 2006 for \$161,000. The sale is within 18 months of the 2008 lien date. The Board gives little weight to the board of review's evidence as it was raw sales data that did not make any adjustments for age, exterior construction, improvement size, improvement type, location, or market conditions.

Therefore, the Board finds the subject had a market value of \$161,000 for the 2008 assessment year. Since the market value of this parcel has been established, the Cook County Real Property Assessment Classification Ordinance as in effect for tax year 2008 shall apply. 86 Ill. Admin. Code § 1910.50(c)(3). The subject is a commercial property, and, therefore, the applicable assessment level is 38% of the subject's fair market value, which equates to \$61,180. The subject's current total assessed value is above this amount, and, thus, the Board finds that a reduction is 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.



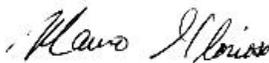
Chairman



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: August 23, 2013



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.