



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

APPELLANT: Alil Ivanovic  
DOCKET NO.: 09-35993.001-R-1  
PARCEL NO.: 10-14-406-050-0000

The parties of record before the Property Tax Appeal Board are Alil Ivanovic, 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, 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: \$3,750  
IMPR.: \$30,070  
TOTAL: \$33,820**

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 2009 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 5,000 square foot parcel of land improved with a 46-year old, two-story, masonry, multi-family dwelling containing 2,602 square feet of living area. The property is located in Skokie, Niles Township, Cook County.

The property is a class 2-11 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted copies of the settlement statement, the sales contract, and the warranty deed disclosing that the subject was purchased in December 2008 for \$380,000 or \$146.04 per square foot of living area. The settlement statement and sales contract list realtor involved in the sale. The petition asserts the sales was not between related parties, was advertised for sale on the multiple listing database and that no mortgage was assumed. The appellant also included a previous decision of the Board wherein the subject was granted a reduction based on the sale wherein the board of review did not object to the sale as compulsory. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment of \$43,724 was disclosed. The subject's final assessment reflects a fair market value of \$491,281 or \$188.81 per square foot of living area using the Illinois Department of Revenue's 2009 three year median level of assessment for class 2 property of 8.90%.

In support of the subject's assessment, the board of review submitted descriptions and sales and assessment information on four properties. These properties are described as two-story, masonry, multi-family dwellings containing between 2,450 and 2,787 square feet of living area. They sold from March 2006 to November 2008 for prices ranging from \$168.64 to \$214.29 per square foot of living area.

In addition, the board of review argues that the subject is not an owner occupied residence and therefore the prior decision's assessment should not be automatically applied to lien year under appeal. The board of review also argued that the subject's sale in 2008 was a compulsory sale and not reflective of the market. In support of this, the board of review submitted copies of a recorder of deed's printout and notice from court for the subject showing a *lis pendens* prior to the sale of the subject. The board of review also included a printout from "Redfin." As a result of this analysis, the board requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted a brief asserting that the appellant is not requesting the prior decision's assessment be

rolled over to this appeal, but that the prior decision was for historic reference only. The appellant also argues that the subject's *lis pendens* does not prohibit the subject's sale from meeting the definition of fair cash value. The appellant argues that the board of review's evidence supports the subject's sale as an arm's length sale transaction because the subject was advertised for sale, used real estate brokers, and was listed on the market for 133 days prior to the sale date. The appellant makes reference to the PTAX-203 Illinois Real Estate Transfer Declaration, however this document was not submitted into evidence.

As to the board of review's comparables, the appellant argues that the board of review failed to show that the market conditions in 2006 or 2007 were the same as the conditions on the lien date and that the board of review failed to show the proximity of the subject to these comparables.

#### Conclusion of Law

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 (3<sup>rd</sup> Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2<sup>nd</sup> 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 Board finds that the sale of the subject in December 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 Board is statutorily required to consider compulsory sales of comparable properties.

In considering the compulsory sale of the subject property the Board looks to both the appellant's evidence and the board of review's comparables. The appellant argues that the board of review's comparables should be given no weight; however, the appellant failed to provide any comparables to support the sale at market. The Board finds it must give some weight to the only comparables in the record to establish a market. The board's sales occurred between March 2006 and November 2008 for prices ranging from \$168.64 to \$214.29 per square foot of living area. The Board finds the most similar property has the most relevant sale date of November 2008 and sold for \$168.64 per square foot of living area. In comparison, the subject sold in December 2008 for \$146.04 per square foot of living area while the subject is assessed for \$188.81 per square foot of living area. The Board finds that based on the evidence presented the subject's sale in

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December 2008 is supported at market and 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.



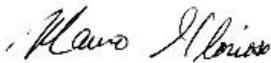
Chairman



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: November 21, 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.