



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

APPELLANT: Carmen Titean  
DOCKET NO.: 10-25605.001-R-1  
PARCEL NO.: 15-15-428-003-0000

The parties of record before the Property Tax Appeal Board are Carmen Titean, the appellant(s); 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:** \$ 1,859  
**IMPR.:** \$ 17,039  
**TOTAL:** \$ 18,898

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject has 4,958 square feet of land, which is improved with a 110 year old, two-story, stucco, multi-family dwelling. The subject's improvement size is 1,520 square feet of living area, and its total assessment is \$18,898. This assessment yields a fair market value of \$211,387, or \$139.07 per square foot of living area (including land), after applying the 2010 Illinois Department of Revenue three year median level of assessment for Class 2 properties of 8.94%. The appellant 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 residential appraisal report for the subject property with an effective date of July 16, 2010. The appraiser estimated a fair market value for the subject of \$70,000 based on the income and sales comparison approaches to value. In the sales comparison approach, the appraiser looked at three recent sales of properties, and made gross adjustments ranging from 41.5% to 61.1%. According to the appraisal, the standard guideline for gross adjustments is 25%, but that "[d]ue to the required adjustments, it was necessary to exceed" this guideline. The appraiser also conducted an inspection of the subject.

The appellant also submitted evidence showing that the subject sold in February 2010 for \$26,500. This evidence included the first page of a settlement statement, which is unsigned. 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, that the parties used a real estate broker, 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 total assessment of \$18,898 was disclosed. In support of the subject's assessment, the board of review submitted descriptive and assessment information for four properties suggested as comparable to the subject. The comparables are described as two-story, frame, multi-family dwellings. Additionally, the comparables range: in age from 98 to 125 years; in size from 1,704 to 1,848 square feet of living area; and in improvement assessments from \$9.82 to \$16.19 per square foot of living area. The comparables also have several amenities. The board of review's grid sheet also states that Comparable #1 sold in March 2008 for \$280,000, or \$154.27 per square foot of living area, including land; Comparable #2 sold in February 2008 for \$250,000, or \$135.28 per square foot of living area, including land; Comparable #3 sold in August 2009 for \$278,000, or \$163.15 per square foot of living area, including land; and that Comparable #4 sold in November 2008 for \$249,000, or \$134.74 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant reaffirmed the evidence previously submitted. The appellant also made an argument based on vacancy for the first time in this appeal. In essence, the appellant argued that the subject was vacant when he bought it in February 2010, and that it had many building violations that needed to be rectified prior to being issued an occupancy permit. Therefore, according to the appellant, the subject should be granted vacancy relief. The appellant was unable to identify any legal authority which grants the Property Tax Appeal Board (the "Board") the ability to grant a reduction based on inhabitability when the appellant did not own the property on January 1 of the tax year at issue. The appellant argued that Section 16-183 of the Illinois Property Tax Code applies to this case, which allows the Board to take into consideration the compulsory sales of comparables properties. When asked where the comparables submitted by the appellant were in the evidence, the appellant stated that no comparables were submitted, except for those found in the appraisal. The appellant also asked the Board to take judicial notice of Property Tax Appeal Board Docket Numbers 10-25592.001-R-1 and 10-25594.001-R-1, and to use the subject properties in those decisions as comparables.

The Cook County Board of Review Analyst, Nicholas Jordan, argued that all three of the comparables in the appraisal were compulsory sales, and that they varied significantly in features such as improvement size. Mr. Jordan also pointed out that the gross adjustments for the comparables were excessively high, and exceeded 61% in one case.

In rebuttal, the appellant stated that the appraisal was done after the subject had been almost completely rehabbed. When asked if the appraisal is indicative of the subject's market value as of January 1, 2010, the appellant answered in the negative. When asked if the Board should disregard the appraisal because it is not indicative of the subject's market as of the lien date, the appellant backtracked on his previous answer and stated that the appraisal could be used as a "guideline."

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

Initially, the Board finds that the appellant's vacancy argument is not properly before the Board. The appellant presented the issue for the first time at hearing, and this issue was never raised in the appellant's petition. Therefore, the Board will not address this issue.

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).

In addressing the appellant's market value argument, the Board finds that the sale of the subject in February 2010 for \$26,500 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 was an arm's-length transaction. Calumet Transfer, 401 Ill. App. 3d at 655-56. In this case, the appellant did not submit any such evidence to show that the sale of the subject in February 2010 for \$26,500 was an arm's-length transaction. Such evidence could have included the descriptive and sales information for recently sold properties that are similar to the subject. See id. at 656. The appellant did submit sales in the appraisal, but, as discussed below, the Board does not find those sales persuasive. Moreover, the only evidence of the sale was the front page of a settlement statement that is unsigned. The Board does not find this evidence persuasive.

According to Calumet Transfer and Section 16-183 of the Property Tax Code, the Board must look to the sales contained in the appraisal and the subject properties located in the decisions the Board took judicial notice of at hearing to determine whether they support the fact that the subject was sold in an arm's-length sale. However, even after considering these comparables, the Board does not find a reduction is warranted. The Board does not find the comparables found in the appraisal persuasive because of the substantial adjustments made to these sales comparables. According to the appraisal, the standard gross adjustment guideline is 25%. The appraiser found no properties that could fit within this guideline. Instead, the appraisal *exceeded* the guideline by 16.5%, 16.7%, and 36.1% for the three sales comparables that were surveyed. Furthermore, the appellant, at hearing, stated that the appraisal is not indicative of the subject's market value as of January 1, 2010, but, instead, should be used as a guideline. For these reasons, the Board finds the appraisal unpersuasive as well. In addition, the Board does not find the subject properties found in the decisions the Board took judicial notice of at hearing are similar to the subject in this case because no evidence was

submitted to show the proximity of these properties to the subject in this case. Since there is no evidence that the sale of the subject was an arm's-length transaction, and because the appraisal is not a true representation of the subject's market value as of January 1, 2010, the Board finds that the appellant has not met the burden of a preponderance of the evidence that the subject is not overvalued, and a reduction 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.

*Donald R. Cuit*

Chairman

*K. L. Fern*

Member

*Frank A. Huff*

Member

*J. R.*

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: July 19, 2013

*Allen Castrovillari*

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.