



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

APPELLANT: Julie Ojeda  
DOCKET NO.: 10-28181.001-R-1  
PARCEL NO.: 32-29-110-017-0000

The parties of record before the Property Tax Appeal Board are Julie Ojeda, the appellant, by attorney Stephanie Park of Park & Longstreet, P.C. in Rolling Meadows, 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:** \$1,000  
**IMPR:** \$90  
**TOTAL:** \$1,090

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 2010 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 split-level single-family dwelling of frame construction with 919 square feet of living area. The dwelling is 37 years old. Features of the home include a partial lower level finished as a recreation room. The property has a 6,600 square foot site and is located in

Chicago Heights, Bloom Township, Cook County. The subject is classified as a class 2-34 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on overvaluation. In support of this argument the appellant submitted evidence disclosing the subject property was purchased on October 27, 2010 for a price of \$10,900. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$6,658. The subject's assessment reflects a market value of \$66,580 or \$72.45 per square foot of living area, land included, when using the 2010 level of assessments for class 2 property of 10% under the Cook County Real Property Assessment Classification Ordinance.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales located in various neighborhood codes assigned by the assessor which differ from the neighborhood code assigned for the subject property. The comparables consist of multi-level dwellings of either 37 or 49 years old. The homes range in size from 1,065 to 1,165 square feet of living area. The comparables sold between January and December 2009 for prices ranging from \$94,000 to \$143,000 or from \$81.67 to \$122.75 per square foot of living area, including land.

The board of review also submitted a supplemental brief prepared by attorney Nicholas Jordan, an analyst with the Cook County Board of Review. Counsel addressed the legal standards of "fair cash value" and "arm's length transactions," also noting a statutory provision regarding compulsory sales. (35 ILCS 200/1-23, effective July 16, 2010). Based upon a printout from the Cook County Recorder of Deeds website, counsel stated that a *lis pendens* was placed on the property by US Bank on or about July 10, 2006; the Judicial Sales Corporation then granted the property to US Bank on or about May 14, 2010, who then conveyed the property to the appellant on or about October 5, 2010. "This evidence shows that the property was distressed and foreclosed on, repossessed by a financial institution and then re-sold by a financial institution." Based on the foregoing, counsel concludes that the subject was not sold in the 'due course of business and trade, not under duress, between a willing buyer and a willing seller.' (35 ILCS 200/ 1-50)

Based on the foregoing evidence and argument, the board of review requested confirmation of the subject's assessment.

In written rebuttal, counsel for the appellant noted the statutory definition of a compulsory sale cited in the board of review's supplemental brief was not in effect as of the January 1, 2010 assessment date at issue in this appeal. Furthermore, appellant's counsel contended that the statutory changes regarding compulsory sales mandated the Property Tax Appeal Board to "consider" such sales in correcting assessments. Given precedent that the arm's length sale of a property is the best evidence of its market value, the appellant reiterates the contention that the subject's assessment should be reduced to reflect the purchase price.

As a final matter, the Board finds the appellant's circular argument concerning the board of review's sale's evidence is not persuasive or correct in any manner. The board of review's submission of comparable sales is deemed to be evidence that both supports the assessment of the subject property and refutes the appellant's assertion that the appellant's evidence reflects the property's fair market value. Pursuant to its statutory authority, it is the duty of the Property Tax Appeal Board to weigh the evidence of both parties and determine the correct assessment of the subject property.

#### **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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board has given reduced weight to the four sales presented by the board of review as the proximity to the subject property was not disclosed in the submission. Moreover, three of the comparables are superior to the subject by having a central air conditioning feature and each of the comparables has a 1.5 or 2-car garage which is not an amenity of the subject dwelling.

The Board finds the best evidence of market value to be the purchase of the subject property in October, 2010 for a price of \$10,900. The appellant provided some evidence demonstrating the sale had several of the elements of an arm's length transaction. The appellant completed much of Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related, the property was sold using a Realtor and the property had been advertised on the open market with the Multiple Listing Service. The appellant did not disclose how long the property was advertised. However, in further support of the transaction the appellant submitted a copy of the Settlement Statement which depicted that brokers' fees were paid as part of the sale. The Board finds the purchase price of \$10,900 is below the market value reflected by the assessment of \$66,580. The Board finds the board of review did not present sufficient evidence to challenge the arm's length nature of the transaction or sufficient proximate comparable evidence to refute the contention that the purchase price was reflective of market value.

Based on this record the Board finds the subject property had a market value of \$10,900 as of January 1, 2010. Therefore, the Board finds that a reduction in the subject's assessment commensurate with the appellant's request is appropriate.

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.

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Chairman

*K. L. Ferr*

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Member

*JR*

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Member

*Mark Albino*

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Member

*Jerry White*

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Acting 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 21, 2015

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*A. Portol*

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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.