



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

APPELLANT: Sudhir Sakhuja  
DOCKET NO.: 10-28431.001-R-1  
PARCEL NO.: 02-16-413-012-0000

The parties of record before the Property Tax Appeal Board are Sudhir Sakhuja, the appellant(s); 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:** \$6,767  
**IMPR.:** \$34,536  
**TOTAL:** \$41,303

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a 10,828 square foot parcel of land improved with a 17-year old, two-story, frame and masonry, single-family dwelling containing 4,039 square feet of living area, three and one-half baths, air conditioning, a fireplace, and a full, unfinished basement. The appellant argues that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellant included a copy of the settlement statement indicating the subject was purchased on March 11, 2011 for \$462,000 or \$114.38 per square foot of living area. The statement indicates fees were paid to a realtor. The petition indicates the property was advertised for sale with a realtor, was not a transfer between related parties, and was sold in settlement of foreclosure.

In addition, the appellant submitted descriptions, assessment, and sale information on three properties suggested as comparable and located within one and one-quarter miles of the subject. The properties are described as two or three-story, frame or frame

and masonry, single-family dwellings. The properties range in age from 10 to 20 years and contain between 3,360 and 4,249 square feet of living area. The properties sold from July 2010 to January 2011 for prices ranging from \$490,000 to \$502,800 or from \$115.32 to \$145.83 per square feet of living area, including land. The appellant also submitted a 2007 Property Tax Appeal Board Decision for the subject property based on a previous sale. 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 \$65,024. The subject's final assessment reflects a fair market value of \$727,338 or \$180.08 per square foot of living area using the Illinois Department of Revenue's 2010 three year median level of assessment for class 2 property of 8.94%.

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, frame, masonry or frame, single-family dwellings. The properties range: in age from 4 to 10 years; in size from 3,943 to 4,173 square feet of living area; and in improvement assessments from \$14.46 to \$16.28 per square foot of living area.

The board of review also included a memorandum arguing that the subject's sale was compulsory sales and that the appellant did not meet the burden of establishing market value. The board also argues that the prior 2007 decision should not apply to the 2010 assessment because there was a subsequent sale and 2010 is a new general assessment year. As a result of this analysis, the board requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted a letter asserting the board of review's comparables are not similar to the subject and that the subject's sale is reflective of the market because the subject was advertised for sale on the open market for 149 days.

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, 331 Ill.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 PTAB finds that the sale of the subject in March 2011 was a "compulsory sales." 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 the compulsory sale submitted by the appellant.

In considering the compulsory sale of the subject property and the suggested comparables the PTAB finds the appellant has shown the sale was reflective of the market value. The PTAB finds appellant submitted comparable properties which sold between July 2010 to January 2011 for prices ranging from \$490,000 to \$502,800 or from \$115.32 to \$145.83 per square feet of living area, including land. The subject sold in March 2011 for \$462,000 or \$114.38 per square foot of living area, including land. This sale is less than \$1.00 per square foot of living area below the range established by the market and, therefore, is supported by this market.

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Based on this record the Property Tax Appeal Board finds that the subject property is overvalued and a reduction to that requested by the appellant 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.

*Donald R. Cuit*

Chairman

*K. L. Fern*

Member

*Frank A. Huff*

Member

*Mario Morris*

Member

*J. R.*

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

*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.