



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

APPELLANT: Armando Hernandez  
DOCKET NO.: 11-21987.001-R-1  
PARCEL NO.: 28-13-113-010-0000

The parties of record before the Property Tax Appeal Board are Armando Hernandez, 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:** \$ 1,922  
**IMPR.:** \$ 5,158  
**TOTAL:** \$ 7,080

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a 12,816 square foot parcel of land improved with a 53-year old, one-story, frame and masonry, single-family dwelling containing 957 square feet of living area. 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 November 3, 2010 for \$12,000. Section 700 of the statement indicates fees were paid to a realtor. The statement list the seller as Deutsche Bank National Trust Company for the registered holders of the CDC mortgage. The appellant also included a copy of the PTAX-203, Illinois Real Estate Transfer Declaration which indicates a sale price of \$16,000. 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 \$7,080 was disclosed.

The subject's final assessment reflects a fair market value of \$74,605 or \$77.96 per square foot of living area using the Illinois Department of Revenue's 2011 three year median level of assessment for class 2 property of 9.49%.

In support of the subject's assessment, the board of review submitted descriptions and sales and assessment information on three properties. These properties are described as one-story, frame, single-family dwellings with various amenities. The properties range: in age from 56 to 63 years; in size from 848 to 932 square feet of living area; and in improvement assessments from \$10.93 to \$12.65 per square foot of living area. These properties sold from May to September 2010 for prices ranging from \$100,000 to \$160,000 or from \$111.61 to \$171.67 per square foot of living area. The board of review lists the sale of the subject in September 2010 at \$16,000. As a result of this analysis, the board requested confirmation of the subject's assessment.

At hearing, the appellant testified that the subject's assessment reflects a market value above the true market value. He testified that he purchased the property for \$12,000. The appellant then clarified that he bought the subject in November, but that he signed a contract for \$16,000. He further explained that there was damage to the property after the contract was signed and the seller gave a credit of \$4,000 at the time of closing for the damage. He acknowledged that the original sale date was going to be in September, but that date changed after the damage to the property was done. The appellant showed the Board a copy of the special warranty deed which indicated it was filed in November 2010 with transfer stamps reflecting a sale price of \$16,000.

The appellant further argued that the houses in the neighborhood suffer from mold damage and that the subject's garage has mold problems. He further argued that the neighborhood's real estate market does not support the subject's value at \$70,000. The appellant acknowledged he was not an appraiser, but that he works in construction in the area. He argued that it would only cost \$30,000 to rebuild the subject.

On cross-examination, the appellant acknowledged that the subject property was bought from a bank in settlement of a foreclosure.

The board of review's representative, Michael Terebo, argued that the suggested comparables support the subject's assessment. He argued that a foreclosure sale is not an arm's length transaction and not reflective of a market sale price.

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, 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 November 2010 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 the comparable sales to determine if the subject's sale was reflective of the market. The Board finds the appellant

did not present any sales comparables, however the board of review presented three sales comparables. These properties sold between May to September 2010 for prices ranging from \$100,000 to \$160,000 or from \$111.61 to \$171.67 per square foot of living area. The subject sold in November for \$12,000 or \$12.54 per square foot of living area after a credit was issued to the buyer for damage done to the property. This sale is significantly below the range established by the market. Therefore, the Board finds the subject's sale is not reflective of the market value. Conversely, the subject's assessment reflects a market value of \$76,605 or \$77.96 per square foot of living area which is only slightly below the range established by the market. The Board finds the subject's assessment is supported 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.



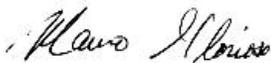
Chairman



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: July 18, 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.