



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

APPELLANT: Michael Kappel
DOCKET NO.: 11-23998.001-R-1
PARCEL NO.: 24-19-104-018-0000

The parties of record before the Property Tax Appeal Board are Michael Kappel, 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: \$ 3,520
IMPR.: \$ 8,730
TOTAL: \$ 12,250

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 2011 tax year. The Property Tax Appeal Board (the "Board") finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject consists of a one-story dwelling of frame construction with 728 square feet of living area. The dwelling is 64 years old. Features of the home include one bath and a crawl. The property has an 8,800 square foot site, and is located in Worth Township, Cook County. The subject is classified as a class 2-02 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 an appraisal estimating the subject property had a market value of \$62,500 as of January 1, 2011. Five of the six sale comparables used by the appraiser in the sales comparison approach were foreclosure sales, and no adjustments were made for this factor.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$12,250. The subject's assessment reflects a market value of \$129,083, or \$177.31 per square foot of living area, including land, when applying the 2011 three year average median level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 9.49% as determined by the Illinois Department of Revenue. In support of its contention of the correct assessment, the board of review submitted information on three equity comparables. The board of review also submitted information on three comparable sales.

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board does not find the appraisal submitted by the appellant persuasive. Five of the six comparables used by the appraiser in the sales comparison approach were pursuant to a foreclosure, and no adjustments were made for this factor. The board of review presented three comparable sales, which sold for between \$167.86 and \$186.92 per square foot of living area. The subject's fair market value, based on its current assessment, is \$177.31 per square foot of living area when applying the 2011 three year average median level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 9.49%. While the Board is not completely persuaded that the board of review's comparable sales are indicative of the subject's fair market value, the Board is persuaded that these comparables indicate that an adjustment should have been made to the sale comparables in the appraisal

to account for the non-arm's-length nature of the five foreclosure sales. In other words, the Board considered the sales in the appraisal, but finds that they were not adjusted properly. Thus, the Board is in compliance with 35 ILCS 200/16-183,¹ which requires the Board to *consider* foreclosure sales. Section 16-183 does not require the Board to adopt compulsory sales as competent evidence, especially if they are misleading as to the subject's true market value. Id.; cf. Bd. of Educ. of Meridian Community Unit School Dist. No. 223 v. Ill. Prop. Tax Appeal Bd., 2011 IL App (2d) 100068, ¶ 45 (stating that application of the sales comparison approach is not required "where it would result in unreliable estimates of fair market value."). Therefore, the Board finds that the subject is not overvalued, and a reduction in the subject's assessment is not warranted.

¹ 35 ILCS 200/16-183:

Compulsory sales. 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.

The term "compulsory sale" is defined at 35 ILCS 200/1-23, which states:
Compulsory sale. "Compulsory sale" means (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.

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: June 20, 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.