



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

APPELLANT: Elaine Devries  
DOCKET NO.: 11-27061.001-R-1 through 11-27061.002-R-1  
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Elaine Devries, 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
11-27061.001-R-1	24-17-212-019-1001	1,407	4,115	\$5,522
11-27061.002-R-1	24-17-212-019-1017	1,121	0	\$1,121

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a condominium unit and a parking space located within a 35-year old, 17-unit, condominium building sited on 13,400 square feet of land. The subject is located in Oak Lawn, Worth Township, Cook County. 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 disclosed on the petition that the subject was purchased on January 21, 2011 for \$37,700. The petition lists the buyer as a realtor, that the property was advertised for sale for one year, that the sale was not a transfer between related parties, and that the property was placed under contract on October 15, 2010. The

appellant also included a copy of the settlement statement listing the seller as Federal Home Loan Mortgage Corporation and a copy of Senate Bill 3334 related to foreclosures and short sales.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment of \$11,451 was disclosed. The subject's final assessment reflects a fair market value of \$120,664 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 a memo from Dan Michaelides, Cook County Board of Review Analyst. The memorandum shows that two units and one parking space or 25.475% of ownership within the subject's building sold in 2007 through 2011 for a total of \$218,352. An allocation of \$4,367 was subtracted from the sale price for personal property to arrive at a total market value for the building of \$839,980. The subject's percentage of ownership, 18.625%, was applied to this total value to arrive at a market value for the subject of \$156,446. In addition, the board of review included a grid of all 10 units and seven parking spaces within the subject's building, their assessments and their percentage of ownership. The grid listing the sales discloses that the sale of the subject in 2007 was used as a comparable and the sale of the subject's parking space in 2011 was also used in the analysis. As a result of its analysis, the board requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted the subject's settlement statement and a copy of Senate Bill 3334 again. In addition, the appellant submitted new evidence which included: the subject's sales contract; and affidavit concerning a new sale; a flood plain map; and sales information on a large number of suggested comparables. The appellant also submitted assessment information on the units within the subject's building after the close of all evidence. The Official Rules of the Property Tax Appeal Board prohibit the submission of new evidence as rebuttal and, therefore, this evidence cannot be considered by the Board. 86 Ill.Admin.Code 1910.66.

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 Board finds that the sale of the subject in October 2011 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 sale comparables that could be considered by the Board while the board of review presented a prior sale of the subject in May 2007 for \$153,351 as well as a sale of a comparable in February 2010 for \$65,000. The subject sold in January 2011 for \$37,700. This sale is below the sale prices presented by the board of review and, therefore, the Board finds the subject's compulsory sale was not at market. In contrast, the subject's assessment reflects a market value of \$120,664 which the Board finds is above the market based on the 2010 sale comparable. The Board finds the subject's market value should be between the subject's previous sale and the sale of the comparable in 2010 and a reduction 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.



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: November 21, 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.