



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

APPELLANT: Steve & Maria Pavlovic
DOCKET NO.: 11-28298.001-R-1
PARCEL NO.: 10-26-314-040-0000

The parties of record before the Property Tax Appeal Board are Steve & Maria Pavlovic, the appellants; 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: \$ 6,510
IMPR.: \$ 9,149
TOTAL: \$ 15,659

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 finds that it has jurisdiction over the parties and the subject matter of the appeal.

Analysis

The subject property is 57 years old, and consists of a one-story dwelling of frame and masonry construction containing 1,123 square feet of living area. Features of the home include a full basement, central air conditioning and a two-car garage. The property has a 7,440 square foot site and is located in Niles Township, Cook County. The subject is classified as a class 2 property under the Cook County Real Property Assessment Classification Ordinance. The appellants requested a reduction in the subject's assessment to reflect the purchase price.

The appellants' appeal is based on overvaluation. In support of this argument, the appellants submitted a settlement statement disclosing the subject property was purchased on June 10, 2011 for a price of \$165,000. The appellants completed Section IV - Recent Sale Data on page two of the Residential Appeal form for Board, disclosing that the purchase was pursuant to a short sale. The appellants submitted a one-page signed statement that there was damage on the driveway and that the roof was older than 30 years and was falling apart, and two black-and-white photographs of the subject's driveway. The appellants also submitted information on three sales of properties from 2012 through 2013. This information consisted of the purchase price, date of sale, location, number of rooms, size of the site and of the square footage of the improvements. These sales ranged in price from \$98,000 to \$140,000 and from \$32.17 to \$83.90 per square feet of living area.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$25,028. The subject's assessment reflects a market value of \$263,730 or \$234.85 per square foot of living area, when using the board of review's indicated size of 1,123 square feet and when using the 2011 three-year median level of assessment of 9.49% for class 2 property as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment, the board of review submitted information on four suggested comparable sales, each from 2011. These sales ranged in price from \$215,000 through \$265,000, and in living area from 1,222 through 1,504 square feet. The board of review also submitted a "Supplemental Brief to its Notes on Appeal," wherein it argued that the purchase of the subject property by the appellants lacked indicia of an arm's length sale. It appended a print-out from the Cook County Recorder of Deeds as an exhibit to its Brief. The exhibit, commonly known as a *deed trail*, showed in relevant part the following recordings: 1) *lis pendens* on the subject property by Washington Mutual Bank on June 18, 2008; 2) release from JP Morgan Chase Bank, 1st Grantor, to Darinka Kozar, 1st Grantee. Also appended were: Notice of Foreclosure Lis Pendens on a mortgage made by Darinka Kozar to Washington Mutual Bank for the subject property; a Warranty Deed from Darinka Kozar to Steve and Maria Pavlovic; and a Village of Lincolnwood Certificate of Payment of delinquent water charges for the subject property.

When overvaluation is claimed, the appellants have 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 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd 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). Having considered the market value evidence presented, the Board concludes that this evidence indicates a reduction is warranted.

In determining the fair market value of the subject property, the Board looks to the evidence presented by the parties. Although the appellant's recent sale appears to have been a compulsory sale, it does reflect the fair market value based upon an analysis of recent sales of comparable properties. The Board finds the appellant's comparables #2 and #3, and board of review comparables #1, #3 and #4 set the range of market value for the subject. These comparables were similar to the subject in location, style, construction, features, age, living area and land area. They ranged from \$32.17 to \$191.73 per square foot of living area. The subject's assessment reflects a market value of \$234.85 per square foot of living area, including land, which is above the range established by the best comparable sales in this record.

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 the compulsory sales of comparable properties which were submitted by the parties.

Based on this record the Board finds the subject property had a market value of \$165,000 as of January 1, 2011. Since market value has been determined, the 2011 three-year median level of assessment of 9.49% for class 2 property as determined by the Illinois Department of Revenue shall apply (86 Ill.Admin.Code §1910.50(c)(2)).

Based on this record the Board finds the subject's assessment is reflective of market value and a reduction in the subject's assessment is justified.

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

Tracy A. Huff

Member

Marko M. Louie

Member

[Signature]

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: February 20, 2015

[Signature]

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.