



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

APPELLANT: Carmen Titean
DOCKET NO.: 12-33198.001-R-1
PARCEL NO.: 15-14-330-014-0000

The parties of record before the Property Tax Appeal Board are Carmen Titean, the appellant; 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: \$ 1,995
IMPR: \$ 5,875
TOTAL: \$ 7,870

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 2012 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property is an 81 year-old, one-story dwelling of frame construction containing 807 square feet of living area. Features of the home include a full unfinished basement and a one-car garage. The property has a 5,320 square foot site and is located in Proviso Township, Cook County. The property is a

class 2-02 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted evidence disclosing the subject property was purchased on September 9, 2010 for a cash deal for the price of \$5,000. The evidence included part of the first page of the settlement statement disclosing the seller was Federal National Mortgage Association. Based on this evidence, the appellant requested a reduction in the subject's assessment to reflect the purchase price. The appellant also appended a copy of the Board's decision on the subject in docket #2010-25603.001-R-1. The appellant highlighted the total assessment in that decision in blue highlighter and attached two post-its that stated: "direct appeal" and "I printed this decision to prove timely filing".

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$7,870. The subject's assessment reflects a market value of \$81,218 or \$100.64 per square foot of living area, when using the board of review's indicated size of 807 square feet and when using the 2012 three-year median level of assessment of 9.69% 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 that sold from June 2010 through November 2011 for prices ranging from \$85,000 to \$155,000, or from \$97.81 to \$161.80 per square foot of living area including land. The board of review also submitted a brief arguing that the subject's sale was compulsory and, therefore, not at arm's-length. The board of review submitted a print-out from the Cook County Recorder of Deeds website disclosing the recording of a *lis pendens* notice against the subject on April 15, 2008 and a Special Warranty Deed from Federal National Mortgage Association to Carmen Titean on September 22, 2010. Regarding the appellant's evidence of the 2010 Board decision, the board of review responded in a brief that the 2010 tax lien year was in a different general assessment period than the 2012 tax lien year for Proviso Township, and that the appellant failed to submit evidence of owner occupancy of the subject.

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

In addressing the appellant's market value argument, the Board finds that the sale of the subject in September 2010 for \$5,000 is 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.

Bd. of Educ. of Meridian Cmty. Unit Sch. Dist. No. 223 v. Ill. Prop. Tax Appeal Bd., 961 N.E. 2d 794, 802 (2d Dist. 2011) (citing Chrysler Corp. v. Ill. Prop. Tax Appeal Bd., 69 Ill. App. 3d 207, 211 (2d Dist. 1979)).

However, when there is a recent sale of the subject, and that sale is a compulsory sale, the Board may consider evidence which would show whether the sale price was representative of the subject's fair cash value. The appellant's evidence did not dispute that the sale was compulsory. In this case, the

appellant did not submit additional sale comparables to show that the sale of the subject in September 2010 for \$5,000 was at its fair cash value. Since there is no supporting evidence that the sale price of the subject was at its fair cash value, the Board finds that the subject is not overvalued and holds that a reduction is not warranted.

As to the appellant's argument that the 2010 decision of the Board is relevant to establish a rollover assessment reduction in 2012, the Board finds that the 2012 tax lien year is in a different general assessment period than the 2010 tax lien. Further, the Property Tax Appeal Board recognizes that section 16-185 of the Property Tax Code provides that a prior year's decision lowering the assessment should be carried forward to the current tax year, subject only to equalization, where the property is an owner occupied residence and the tax years are within the same general assessment period. (35 ILCS 200/16-185).

After considering the evidence, the Board finds that the appellant failed to submit evidence that the subject property had been occupied by the owner in 2010 and in 2012, and that those tax years were within the same general assessment period. Therefore, the Board finds that there is no rollover from 2010 to 2012.

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

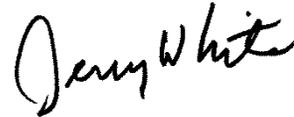


Member



Member

Member



Acting 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 21, 2015



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.