



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

APPELLANT: Witlod Lach  
DOCKET NO.: 13-35903.001-R-1 through 13-35903.002-R-1  
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Witlod Lach, the appellant, by attorney George N. Reveliotis, of Reveliotis Law, P.C. in Park Ridge; and the Cook County Board of Review.

Based on the facts and exhibits presented in this matter, 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
13-35903.001-R-1	10-14-405-085-1001	2,378	31,249	\$33,627
13-35903.002-R-1	10-14-405-085-1002	2,350	30,888	\$33,238

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the Property Tax Appeal Board pursuant to section 16-185 of the Property Tax Code (35 ILCS 200/16-185) challenging the assessment for the 2013 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 consists of a two-story condominium building of masonry construction with 2,777 square feet of building area. The building is 55 years old. The property has a 7,566 square foot site and is located in Evanston, Niles Township, Cook County. The subject is classified as a class 2-99 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 \$350,000 as of January 22, 2012. The appellant's appraisal utilized all three of the traditional approaches to value property in estimating a market value for the subject property.

Under the cost approach, the appellant's appraisers estimated the subject's site value to be \$50,000. The appraisers estimated a cost new for the subject's improvements to be \$323,640,

from which \$21,587 was subtracted for depreciation, to arrive at a depreciated cost for the subject's improvements of \$302,053. Finally, the appraisers added \$2,000 for "As Is" value of site improvements to arrive at an indicated value for the subject by the cost approach of \$354,053.

Under the income approach, the appellant's appraisers selected three rental comparables that were located from .09 of a mile to 2.63 miles from the subject property. The comparables ranged in size from 3,562 to 5,600 square feet of building area and ranged in age from 5 to 87 years old. The comparables had monthly rents ranging from \$3000 to \$7,400. From this data, the appraiser's estimated the subject's gross monthly rent would be \$3,200, which was then multiplied by a gross rental multiplier of 110 to arrive at an estimated value for the subject of \$352,000 by the income approach.

Under the sales comparison approach, the appraisers selected three comparable properties that were located from 1.75 to 2.22 miles from the subject property. The comparables were two-story buildings of masonry construction containing from 2,340 to 3,664 square feet of building area. The comparables ranged in age from 49 to 91 years old. The comparables had other features with varying degrees of similarity to the subject. The comparables had sale dates ranging from May to August 2011 and sold for prices ranging from \$319,000 to \$365,000 or from \$91.43 to \$155.98 per square foot of building area, including land. Based on this data, the appellant's appraisers arrived at an opinion of market value for the subject of \$350,000 by the sales comparison approach.

Under reconciliation, the appellant's appraisers placed most weight on the sales comparison approach and arrived at an estimated market value for the subject property of \$350,000 as of January 22, 2012.

The appellant's appeal was also labeled "Rollover" at the top of the appeal form.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$66,865. The subject's assessment reflects a market value of \$668,650 or \$240.78 per square foot of building area, including land, when applying the level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10%.

In support of its contention of the correct assessment the board of review submitted information revealing that one of the subject condominiums sold in July 2015 for a price of \$340,000.

### **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.

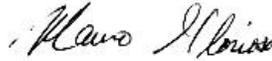
As an initial matter regarding the appellant's request to have a "rollover" of the Board's 2012 decision, the record disclosed the Property Tax Appeal Board issued a decision reducing the subject's 2012 assessment. However, the Board finds that 2012 and 2013 are not within the same general assessment period for Niles Township. For this reason, the Property Tax Appeal Board finds that a reduction in the subject's assessment is not warranted because the subject of the appeal is not entitled to the "rollover" provision provided by section 16-185 of the Property Tax Code (35 ILCS 200/16-185).

The Board finds the best evidence of market value to be the sale of one of the subject's condominiums in July 2015 for a price of \$340,000. The Board recognizes that the sale occurred over two years after the January 1, 2013 assessment date at issue. However, the sale of the subject was given more weight than the appellant's appraisal, which had an effective date occurring approximately one year prior to the assessment date at issue. In addition, the sales used in the appraisal occurred in 2011, which further detracts from the weight given the sales.

The Illinois Supreme Court has defined fair cash value as what the property would bring at a voluntary sale where the owner is ready, willing, and able to sell but not compelled to do so, and the buyer is ready, willing and able to buy but not forced to do so. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d. 428, (1970). A contemporaneous sale of property between parties dealing at arm's-length is a relevant factor in determining the correctness of an assessment and may be practically conclusive on the issue of whether an assessment is reflective of market value. Rosewell v. 2626 Lakeview Limited Partnership, 120 Ill.App.3d 369 (1<sup>st</sup> Dist. 1983), People ex rel. Munson v. Morningside Heights, Inc, 45 Ill.2d 338 (1970), People ex rel. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d 158 (1967); and People ex rel. Rhodes v. Turk, 391 Ill. 424 (1945).

Based on the sale of one of the subject's condominiums, the subject would have a market value of \$680,000. The subject's assessment reflects a market value of \$668,650, which is below the market value of the subject based on the sale of one of the subject's condominiums. Based on this record, the Board finds a reduction in the subject's assessment is not 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. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Member



Member



Member



Member

DISSENTING: \_\_\_\_\_

CERTIFICATION

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 13, 2019



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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

AGENCY

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