



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

APPELLANT: Raymond Rovello
DOCKET NO.: 07-20744.001-R-1
PARCEL NO.: 19-14-301-062-0000

The parties of record before the Property Tax Appeal Board are Raymond Rovello, the appellant, by attorney Brian S. Maher of Weis, DuBrock, Doody & Maher, in Chicago; 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: \$4,261
IMPR.: \$13,309
TOTAL: \$17,570

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story, two unit apartment building of masonry construction containing 1,634 square feet of living area. The dwelling is 54 years old. Features include a full unfinished basement and a two-car detached garage.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of this claim, the appellant submitted documentation regarding the recent sale of the subject property. The appellant's attorney submitted a brief in support of this argument. Counsel indicated the subject property was purchased in January 2006 for a price of \$175,000 or \$107.10 per square foot of living area, land included. To further document the sale, the appellant submitted a copy of the real estate contract and closing statement disclosing the subject property was purchased in January 2006 for a price of \$175,000. In the brief, counsel argued the subject had a market value of \$175,000 and the assessment should be calculated by applying the 2005 median level of assessment for class 2 residential property of 6.62 in Lake

Township. Based on this evidence, the appellant requested that the subject's assessment be reduced to \$11,585.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$32,268 was disclosed. The subject's assessment reflects a market value of \$322,551 using the 2007 three year average median level of assessments for class 2 property of 10.04% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code 1910.59(c)(2)). In support of the subject's assessment, the board of review presented descriptions and assessment information on four comparable properties to demonstrate the subject property is uniformly assessed. The comparables consist of two-story masonry multi-family dwellings between 49 and 54 years old with full unfinished basements. Three comparables have two-car garages. The record also reveals that comparable #4 sold in November 2006 for a price of \$340,000 or \$195.29 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Board further finds a reduction in the subject's assessment is warranted.

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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331Ill.App.3d 1038 (3rd Dist. 2002). Proof of market value may consist of an appraisal of the subject property, a recent sale of the subject property or comparable sales. (86 Ill.Admin.Code 1910.65(c)). A contemporaneous sale between two parties dealing at arm's length is not only relevant to the question of fair cash value but practically conclusive on the issue on whether the assessment is reflective of market value. Korzen v. Belt Railway Co. of Chicago, 37 Ill.2d158(1967). After an analysis of the evidence in the record, the Board finds the appellant has met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value in the record is the sale of the subject property in January 2006 for a price of \$175,000. The subject's total assessment reflects a market value of \$322,551, which is higher than its purchase price. The Board gives little weight to the board of review's one sale comparable and the three equity comparables that did not address the appellant's market value argument. Based on this record the Board finds the subject had a market value of \$175,000 as of the January 1, 2007 assessment date. Since market value has been established, the Board finds the 2007 three year average median level of assessment for class 2 property of 10.04% as determined by the Illinois Department of Revenue shall apply. (See 86 Ill.Admin.Code 1910.59(c)(2)).

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.

Ronald R. Cuit

Chairman

Frank J. Huff

Member

Member

Mario M. Louie

Shawn R. Lerbis

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: September 23, 2011

Allen Castrovillari

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.