



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

APPELLANT: Sasi Digavalli
DOCKET NO.: 07-23752.001-R-1
PARCEL NO.: 04-25-316-015-0000

The parties of record before the Property Tax Appeal Board are Sasi Digavalli, the appellant(s), by attorney Joanne Elliott, of Elliott & Associates, P.C. in Des Plaines; 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: \$15,749
IMPR: \$130,835
TOTAL: \$146,584

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 13,125 square foot parcel of land improved with a four year old, two-story, masonry, single-family dwelling which is owner-occupied. The improvement contains 4,090 square feet of living area, five full and one half baths, air conditioning, three fireplaces, a full finished basement with a formal recreation room, and a three car garage. The appellant argued unequal treatment in the assessment process and that the market value of the subject property is not accurately reflected in its assessed value as the bases of this appeal.

In support of the equity argument, the appellant submitted descriptions and assessment information as well as black and white photographs, on a total of eight properties suggested as comparable. The properties are located 0.44 to 0.69 miles of the subject. The properties are improved with two-story, frame, masonry or frame and masonry, single-family dwellings. They range: in bathrooms from two and one half to three and one half baths; in age from seven to 14 years; in size from 3,916 to 4,383 square feet of living area; and in improvement assessment from

\$19.74 to \$22.84 per square foot of living area. The subject's improvement assessment is \$33.47 per square foot. The properties also contain: air conditioning, one to two fireplaces, full or partial, finished or unfinished basements, and two to three car garage area for the properties. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

As to the market value argument, the appellant submitted a closing statement pertaining to the subject property with a settlement and disbursement date of 07/08/2005. The statement reflects a sale of the subject property for \$1,460,000 or \$356.97 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's improvement assessment of \$136,892 or \$33.47 per square foot of living area was disclosed. In support of the subject's assessment, the board of review presented descriptions and assessment information on three properties suggested as comparable and located within one quarter mile of the subject, with #1 on the same street. The properties are improved with two-story, masonry, single-family dwellings. They range: in age from two to three years; in size from 3,986 to 4,574 square feet of living area; and in bathrooms from four full and two half baths to six full and one half baths. The properties also include full finished basements with a formal recreation room, air conditioning, one to four fireplaces, and three car garage areas. The properties have improvement assessments ranging from \$34.46 to \$38.78 per square foot of living area.

In addition, the board's analysis indicated that the subject as well as property #2 was accorded a deluxe condition ranking by the assessor's office while properties #1 and #3 were accorded an average condition without further explanation. As a result of its analysis, the board 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 appellant contends unequal treatment in the subject's improvement assessment as the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data, the PTAB finds the appellant has not met this burden.

The parties presented a total of eleven properties suggested as comparable to the subject. The PTAB finds the board of review's comparables most similar to the subject in improvement size, design, proximity, exterior construction, amenities and age. These comparables ranged in improvement assessments from \$20.52

to \$38.78 per square foot. The subject's improvement assessment at \$33.47 per square foot is within the range established by these comparables. Further, the board accorded diminished weight to the remaining properties due to a disparity in proximity, exterior construction, and age.

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 (3d Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2d 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 evidence presented, the Board concludes that the evidence indicates a reduction is warranted.

PTAB finds the best evidence of the subject's market value is the sale of the subject in July 2005. The sale was within close proximity of the 2007 assessment date, and the appellant's settlement statement supports an arm's-length nature of the transaction.

Based on this record the PTAB finds that the subject property had a market value of \$1,460,000 for tax year 2007. Since market value has been determined, the Illinois Department of Revenue three-year median level of assessment for class 2 property of 10.04% shall apply. In applying this level of assessment to the subject, the total assessed value is \$146,000 while the subject's current total assessed value is above this amount. Therefore, the Board finds that 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J. R.

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 28, 2012

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.