



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

APPELLANT: Miraj Parikh  
DOCKET NO.: 07-26866.001-R-1  
PARCEL NO.: 09-22-323-032-0000

The parties of record before the Property Tax Appeal Board are Miraj Parikh, the appellant(s), by attorney Stephanie Park, of Park & Longstreet, P.C. in Rolling Meadows; 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:** \$12,032  
**IMPR.:** \$51,220  
**TOTAL:** \$63,252

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property has 9,400 square feet of land, which is improved with a 13 year old, two-story, masonry, single-family dwelling containing 2,938 square feet of living area. The dwelling's amenities include three and one-half baths, a full basement with a formal recreation room, air conditioning, and a two-car garage. The appellant, via counsel, argued that there was unequal treatment in the assessment process, or that the subject's assessment does not reflect its market value as the bases for this appeal

In support of the equity argument, the appellant submitted descriptive and assessment information on four properties suggested as comparable to the subject. These properties are described as two-story, frame or masonry, single-family dwellings that range in age from two to four years old, and in size from 2,806 to 3,152 square feet of living area. The suggested comparables have either a full unfinished basement or a full basement with a formal recreation room. The dwellings have from two and one-half to four and one-half baths. Additionally, all of the properties have air conditioning, a fireplace, ranging from one to two fireplaces, and a two-car garage. These suggested comparables have improvement assessments ranging from \$16.00 to \$19.52 per square foot of living area.

In support of the market value argument, the appellant submitted a settlement statement dated December 28, 2004, which states that the appellant purchased the subject for \$630,000. The settlement statement does not list a seller. The appellant also submitted a trustee's deed describing a transfer of the subject on December 28, 2004 with Colette M. Pompei, as the grantor/trustee, and the appellant as the grantee. The trustee's deed has \$630.00 worth of State of Illinois Real Estate Transfer Tax stamps affixed to it. Also included was a notarized affidavit naming the appellant as the affiant, wherein the affiant states that the sales transaction was arm's-length, and that the documents enclosed are true and correct copies of the originals. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The Cook County Board of Review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$79,459 was disclosed. In support of the subject's assessment, the board of review presented descriptive and assessment information on four properties suggested as comparable to the subject. These properties are described as two-story, masonry, single-family dwellings that range in age from three to thirteen years old, and in size from 2,905 to 3,243 square feet of living area. The suggested comparables all have a full unfinished basement, air conditioning, a fireplace, ranging from one to two fireplaces, and a two-car garage. These suggested comparables have improvement assessments ranging from \$23.08 to \$26.56 per square foot of living area. The subject's improvement assessment is \$22.95 per square foot of living area.

The board of review's grid sheet states that the subject sold in December 2004 for \$630,000, or \$214.43 per square foot of living area. Additionally, the board of review's grid sheet states that Comparable #4 sold in August 2004 for \$785,000, or \$270.22 per square foot of living area.

The board of review also submitted a list of sales of properties located within the subject's neighborhood. This list included the PIN, deed number, the date of the sale, and the sale price for twenty properties. No further information was provided regarding these properties. Based on this evidence, the board requested confirmation of the subject's assessment.

At hearing, the appellant, represented by Scott E. Longstreet of Park & Longstreet, P.C., re-affirmed the evidence previously submitted.

The board of review analyst, Roland Lara, Cook County Board of Review Analyst, argued that the settlement statement does not list a seller, and that, according to the settlement statement, no money was transferred to the seller at the closing. Mr. Lara testified that both of these facts tend to indicate that the sale was a compulsory sale. Mr. Lara also testified that the appellant did not complete Section IV of the Property Tax Appeal

Board (the "Board") Residential Appeal Form, which describes a recent sale transaction.

Mr. Lara then offered a map of the subject and the location of all of the comparables submitted by both parties. This map was taken into evidence without object from the appellant, and marked as "Exhibit BOR-A." Mr. Lara then testified that all of the appellant's comparables are far away from the subject, and that the appellant's Comparables #1 and #2 have a different exterior construction than the subject. Mr. Lara then re-affirmed the evidence previously submitted.

In rebuttal, Mr. Longstreet stated that the map did not include a scale, and that all of the comparables were actually close to the subject. Additionally, Mr. Longstreet argued that the appellant has complied with the Board's suggestion on the Residential Appeal Form to submit the settlement statement as evidence in support of a recent sale argument. Mr. Longstreet argued that the appellant did not have any control over what was and was not on the settlement statement, and that the appellant was just complying with the suggestion on the form. Furthermore, Mr. Longstreet argued, the settlement statement was not the only evidence submitted to show the subject was recently purchased. The appellant also submitted a trustee's deed and an affidavit from the appellant.

After reviewing the record, hearing the testimony, and considering the evidence, the 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 this 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. Walsh v. Prop. Tax Appeal Bd., 181 Ill. 2d 228, 234 (1998) (citing Kankakee Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 131 Ill. 2d 1 (1989)); 86 Ill. Admin. Code § 1910.63(e). To succeed in an appeal based on lack of uniformity, the appellant must submit documentation "showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property." Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 403 Ill. App. 3d 139, 145 (1st Dist. 2010); 86 Ill. Admin. Code § 1910.65(b). "[T]he critical consideration is not the number of allegedly similar properties, but whether they are in fact 'comparable' to the subject property." Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 403 Ill. App. 3d at 145 (citing Du Page Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 284 Ill. App. 3d 649, 654-55 (2d Dist. 1996)). After an analysis of the assessment date, the Board finds that the appellant has not met this burden.

The Board finds that Comparables #3 and #4 submitted by the appellant, and all of the comparables submitted by the board of review were most similar to the subject in location, size, style, exterior construction, features, and age. Due to their

similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables had improvement assessments that ranged from \$16.00 to \$26.56 per square foot of living area. The subject's improvement assessment of \$22.95 per square foot of living area is within the range established by the most similar comparables. Therefore, after considering adjustments and differences in both parties' comparables when compared to the subject, the Board finds that the subject's improvement assessment is equitable, and a reduction in the subject's assessment is not warranted based on lack of uniformity.

When overvaluation is claimed, the appellant has the burden of proving the value of the property by a preponderance of the evidence. Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 339 Ill. App. 3d 529, 545 (1st Dist. 2002); National City Bank of Michigan/Illinois v. Prop. Tax Appeal Bd., 331 Ill. App. 3d 1038, 1042 (3d Dist. 2002) (citing Winnebago Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 313 Ill. App. 3d 179 (2d Dist. 2000)); 86 Ill. Admin. Code § 1910.63(e). 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. Calumet Transfer, LLC v. Prop. Tax Appeal Bd., 401 Ill. App. 3d 652, 655 (1st Dist. 2010); 86 Ill. Admin. Code § 1910.65(c). Having considered the evidence presented, the Board concludes that the evidence indicates a reduction is warranted.

The Board finds that the best evidence of the subject's market value is the trustee's deed submitted by the appellant. The trustee's deed is supported by the settlement statement, the affidavit submitted by the appellant, and the board of review's grid sheet. All of these documents state that the subject sold in December 2004 for \$630,000. The trustee's deed supports this sale price because it has \$630.00 worth of State of Illinois Real Estate Transfer Tax stamps affixed to it. The state real estate transfer tax rate is 0.1% of the sale price of the property. 35 ILCS 200/31-10. In this case, the sale price was \$630,000, which means the state real estate transfer tax should amount to \$630.00. Therefore, the trustee's deed is sufficient proof to show that the subject was purchased in December 2004 for \$630,000, which is within 25 months of the lien date at issue in this case, and the Board finds that the subject's market value for tax year 2007 was \$630,000.

Since market value has been determined, the 2007 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 \$63,252 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: September 21, 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.