



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

APPELLANT: Viresh Rawal
DOCKET NO.: 08-23107.001-R-1
PARCEL NO.: 15-01-103-078-0000

The parties of record before the Property Tax Appeal Board are Viresh Rawal, the appellant; 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: \$ 11,840
IMPR: \$ 49,600
TOTAL: \$ 61,440

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 9,250 square foot parcel improved with a 79-year-old, two-story, single-family dwelling of masonry construction containing 2,785 square feet of living area and located in River Forest Township, Cook County. Features of the residence include three full bathrooms, two half-baths, a full-unfinished basement, two fireplaces and a two-car attached garage.

The appellant submitted evidence before the Property Tax Appeal Board claiming unequal treatment in the assessment process as well as overvaluation as the bases of the appeal. In support of this claim, the appellant submitted assessment data and descriptive information on four properties suggested as comparable to the subject. Based on the appellant's documents, the four suggested comparables consist of two-story, single-family dwellings of masonry construction located within one block of the subject. The improvements range in size from 2,975 to 3,422 square feet of living area and range in age from 58 to 81 years old. The comparables contain two and one-half, three or three and one-half bathrooms, a full-finished or unfinished basement, a fireplace and a one-car or two-car garage. Two

comparables have central air-conditioning. The total assessments range from \$73,167 to \$80,221. Based on the comparables submitted, the appellant requested a reduction in the subject's improvement assessment.

In support of the overvaluation argument, the appellant submitted a uniform residential appraisal report prepared by Wayne C. Sienkiewicz, of American Real Estate Appraisals Ltd., in Flossmoor, Illinois. The appraisal revealed that Sienkiewicz is a State of Illinois certified real estate appraiser. The appraisal disclosed that Sienkiewicz conducted an interior and exterior inspection of the subject property. The appraiser utilized the sales comparison and cost approach to estimate a market value of \$640,000 for the subject as of April 21, 2009.

In the sales comparison approach, the appraiser used three residential sales located within a distance of approximately one mile of the subject. The lots range in size from 9,050 to 11,280 square feet and the improvements range in size from 2,597 to 3,033 square feet of living area. The comparables sold between January 2009 and March 2009 for prices ranging from \$600,000 to \$792,500 or from \$197.82 to \$267.28 per square foot of living area, including land. The appraiser also considered two listings located within the subject's neighborhood. After adjustments, the appraiser concluded a value for the subject via the sales comparison approach of \$640,000 as of April 21, 2009.

In the cost approach, the appraiser estimated the value of the subject site to be \$325,000. The appraiser then estimated a replacement cost new for the subject of \$456,214. Accrued depreciation was estimated to be \$142,567 resulting in a depreciated value for the improvements of \$313,647. Site improvements of \$9,000, a garage with carport of \$24,071 and the land value of \$325,000 was added back to establish a value estimate under the cost approach of \$671,718.

The appraisal report disclosed that at the time of the inspection the subject was well-maintained and in average condition. The report also disclosed that physical depreciation was due to normal wear and all utilities were in working order.

In reconciling the two approaches to value, the appellant's appraiser indicated the most weight was accorded the sales comparison approach with the cost approach used in support. Based on the evidence submitted, the appellant requested an assessment reflective of a fair market value for the subject of \$640,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's total assessment of \$87,001. The assessment reflects a total market value of \$906,260 for the subject, when the 2008 Illinois Department of Revenue's three-year median level of assessments of 9.60% for Class 2 property, such as the subject, is applied. In support of the assessment the board submitted property characteristic printouts and descriptive

data on four properties suggested as comparable to the subject. The suggested comparables are improved with two-story, single-family dwellings of masonry construction located within one-quarter mile of the subject. The improvements range in size from 2,693 to 3,198 square feet of living area and range in age from 69 to 80 years old. The comparables contain two or three and one-half bathrooms, a finished or unfinished basement, one or two fireplaces and a multi-car attached garage. Three comparables have central air-conditioning. The improvement assessments range from \$25.70 to \$27.71 per square foot of living area. Based on the evidence presented, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant submitted a two-page letter highlighting various differences between the subject and the board of review's comparables. In addition, the appellant submitted an appraisal report with an effective date of November 16, 2010 arguing it further supported a reduction in 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.

First, the Property Tax Appeal Board did not consider the appellant's 2010 appraisal report submitted in rebuttal. Section 1910.66 (c), of the Official Rules of the Property Tax Appeal Board states in part, "Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties." 86 Ill. Adm. Code §1910.66(c). Therefore, the Property Tax Appeal Board is precluded from considering the appraisal report submitted as rebuttal evidence.

Next, 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, 331 Ill.App.3d 1038 (3rd Dist, 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). Proof of market value may consist of an appraisal, a recent arms-length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. (86 Ill.Adm.Code §1910.65(c)) Having considered the evidence presented, the Board finds the appellant has satisfied this burden and a reduction is warranted.

In determining the fair market value of the subject property, the Property Tax Appeal Board finds the best evidence to be the appellant's 2009 appraisal report. The appellant's appraiser utilized the sales comparison and cost approach to estimate the fair market value of the subject. The Board finds the appraisal to be persuasive for the appraiser; has experience in appraising; personally inspected the subject property and reviewed the

subject's history; utilized appropriate market data in undertaking the sales comparison approach to value; and lastly, used similar properties in the sales comparison approach while providing sufficient detail regarding each sale as well as adjustments that were necessary. The Board gives little weight to the board of review's evidence in that it fails to address the appellant's overvaluation argument.

Therefore, the Board finds the subject had a fair market value of \$640,000 as of January 1, 2008. Since fair market value has been established, the 2008 Illinois Department of Revenue's three-year median level of assessments of 9.60% for Class 2 property shall apply and a reduction is warranted.

As a final point, the Board finds no further reduction based on the appellant's inequity claim 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 J. Huff

Member

Mario Morris

Member

Shawn R. Lerbis

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: June 24, 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.