



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

APPELLANT: Dragica Zivkovic  
DOCKET NO.: 08-25719.001-R-1  
PARCEL NO.: 07-35-113-008-0000

The parties of record before the Property Tax Appeal Board are Dragica Zivkovic, the appellant, and the Cook County Board of Review.

Based on the facts and exhibits presented, 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:

**LAND:** \$8,720  
**IMPR.:** \$75,888  
**TOTAL:** \$84,608

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a two-story masonry dwelling that was built in 2007. The dwelling contains 4,216 square feet of living area and features and full unfinished basement, central air conditioning, two fireplaces, and a 2.5-car garage. The subject site contains 21,800 square feet of land area and is located in Schaumburg, Schaumburg Township, Cook County.

The appellant contends the subject property's assessment is excessive in light of the actual construction costs. With the appeal petition, the appellant submitted a copy of a contractor's statement, an occupancy permit, a closing statement and an estimate for "general contracting."

In Section VI of the appeal petition, the appellant reported the land was purchased in January 2007 for \$89,252 although no substantive documentary evidence to support the land purchase price was submitted; the appellant cited to the Settlement Statement reflecting "payoff to Crown Mortgage Company" as the land purchase price, but no PTAX-203 Illinois Real Estate Transfer Declaration reflecting this figure as the purchase price for the land was submitted. Moreover, the Settlement Statement

did not name a "seller" and only named the appellant was one of the "borrowers." Based on the contractor's statement, the cost of constructing the dwelling was reported as \$429,626, rounded. Furthermore, the appellant reported that the owner or a member of the owner's family acted as the general contractor; based on 8% of a \$400,000 construction cost estimate, the value of those services was \$32,000. The land, construction, contractor services, and the estimated value for the non-compensated labor totaled \$550,878 or \$130.66 per square foot of living area including land.

Based on this evidence, the appellant requested the subject's improvement assessment be reduced to \$43,000 "based on the building cost" to reflect approximately 10% of the direct cost to construct the dwelling. This reduction would reflect a total assessment of \$51,720.

The board of review submitted its "Board of Review Notes on Appeal" wherein the final assessment of \$84,608 was disclosed. The final assessment of the subject property reflects a market value of approximately \$881,333 or \$209.04 per square foot of living area including land using the 2008 three-year median level of assessments for Class 2 property in Cook County of 9.60%.

In support of the subject's assessment, the board of review presented descriptions and sales data on four suggested comparable properties. The comparables consist of two-story masonry dwellings that were 1 or 2 years old. The dwellings range in size from 4,071 to 4,585 square feet of living area. Features include full unfinished basements, central air conditioning, one or two fireplaces, and a 3-car garage. These comparables sold between September 2005 and January 2007 for prices ranging from \$346,000 to \$945,000 or from \$82.91 to \$208.21 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 not warranted.

The appellant contends the assessment of the subject property is excessive and not reflective of its market value. 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 (3<sup>rd</sup> Dist. 2002). The Board finds the evidence in the record does not support a reduction in the subject's assessment.

The law in Illinois requires real property to be valued at fair cash value, estimated at the price it would bring at a voluntary sale. Cook County Board of Review v. Illinois Property Tax Appeal Board, 384 Ill.App.3d 472, 480, 894 N.E.2d 400, 323

Ill.Dec. 633 (1<sup>st</sup> Dist. 2008). Correspondingly, fair cash value is defined in the Property Tax Code as "[t]he amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller." (35 ILCS 200/1-50). Fair cash value is synonymous with fair market value. Cook County Board of Review v. Illinois Property Tax Appeal Board, 384 Ill.App.3d 472, 480 (1<sup>st</sup> Dist. 2008). The Supreme Court of Illinois has construed "fair cash value" to mean 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).

The appellant sought to present evidence that the entire cost of the subject property was approximately \$550,878. The Board has given no weight to the appellant's land purchase price data which was not adequately supported in the record as described above. Moreover, the record evidence further reveals with board of review comparable #2 a 2005 purchase price of \$346,000 which reflects a land only value (with a building that was a year old in 2008). This sale data further detracts from the reliability of the appellant's representation of the land purchase price data.

The board of review submitted four sales for consideration in support of the subject's estimated market value as reflected by its assessment. As just described, board of review sale #2 reflects a land only sale and is given less weight for market value analysis of both the land and improvement value combined. However, the remaining three sales presented by the board of review were identical to the subject in design and exterior construction and very similar in age, size and amenities. As such, the Board finds that these three sales which occurred from June 2006 to January 2007 ranging from \$840,000 to \$945,000 are most reflective of market values for properties like the subject as of January 1, 2008. The Board finds these recent sale prices are more reflective of fair cash value than the costs involved in acquiring, building and contracting for the construction of the subject property. The Board finds that the subject's estimated market value of \$881,333 based on its assessment falls within the range of the most similar comparable sales on this record and supports the subject's assessment. Thus, no change in the subject's assessment is warranted on this record.

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.

*Donald 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: February 24, 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.