



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

APPELLANT: Alexander Rivera  
DOCKET NO.: 09-23994.001-R-1  
PARCEL NO.: 12-21-324-158-0000

The parties of record before the Property Tax Appeal Board are Alexander Rivera, 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:** \$ 4,649  
**IMPR.:** \$ 8,256  
**TOTAL:** \$ 12,905

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of 4,650 square feet of land improved with a one-story, masonry dwelling. The improvement contains 1,201 square feet of living area as well as one bath, a full basement, and a two-car garage.

The appellant raised two arguments: that the improvement size proffered by the county is inaccurate; and that the market value of the subject property is not accurately reflected in its assessed value as the basis for this appeal.

As to the subject's improvement size, the appellant submitted a residential appraisal report reflecting 1,201 square feet of living area determined via the appraiser's inspection. In contrast, the board of review submitted a copy of a property characteristic printout reflecting 1,208 square feet of living area.

The appellant's pleading includes a purchase settlement statement reflecting that the subject property is located in Franklin Park and that it sold on February 22, 2010 for \$127,000. The

appellant's evidence also indicates that the subject property was advertised for sale on the open market, is intended to be the appellant's primary residence, and was not a transfer between family or related corporations.

In support of the market value argument, the appellant submitted a residential appraisal summary report of the subject property with an effective date of January 6, 2010 undertaken by Anthony Incrocci, who holds the designation of Residential Real Estate Appraiser. The appraiser estimated a market value for the subject of \$145,000, while developing the cost and sales comparison approaches to value.

The appraisal stated that the subject was improved with a 51-year old, detached, masonry, one-story family dwelling in average condition. The appraiser undertook an interior and exterior inspection of the improvement which contained 1,201 square feet of living area.

Under the cost approach to value, the appraiser indicated that costs to replace the subject property were taken from Marshall and Swift Residential Cost Handbook. Depreciation was based on the age/life method. The appraiser estimated a value of \$90.00 per square foot of above ground area and \$30.00 per square foot of below ground area to indicate a value of \$133,350. Depreciation was estimated at \$44,415. The "as-is" value of site improvements were estimated at \$10,000. Therefore, the indicated value by cost approach was \$184,900.

Under the sales comparison approach to value, the appraiser utilized three sale comparables located within a .3 mile radius from the subject. The comparables sold from July 2009 to September 2009, for prices that ranged from \$125,000 to \$189,900, or from \$126.52 to \$170.16 square foot of living area. The properties were improved with a one-story, masonry single-family dwelling in inferior to good condition. The properties ranged: in age from 51 to 54 years; and in improvement size from 879 to 1,116 square feet of living area. Each property also included one to one and one half-baths, a full basement, and a two-car garage. After making adjustments to the suggested comparables, the appraiser estimated the subject's market value was \$145,000, rounded.

The appraiser indicated that most weight was accorded the sales comparison approach to value in reconciling a final value estimate of \$145,000 for the subject property. Based upon this data, the appellant requested a reduction in the subject's market value. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$25,157 for tax year 2009. The subject's assessment reflects a market value of \$282,663 using the Illinois Department of Revenue median level of assessment for class 2, residential property of 8.9%.

The board also submitted descriptive and assessment data on four suggested equity comparables. These properties were improved with a one-story, masonry, single-family dwelling. The improvements ranged: in age from 49 to 54 years; in bathrooms from one to two full baths; in size from 1,025 to 1,179 square feet of living area; and in improvements assessments from \$18.50 to \$22.12 per square foot of living area. Amenities include a two to two and one-half car garage.

After considering the arguments and reviewing the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

As to the issue of the subject's size, the Board finds that the best evidence was submitted by the appellant via the subject's appraisal report. Therefore, the Board finds that the subject's improvement contains 1,201 square feet of living area.

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 (3<sup>rd</sup> Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2<sup>nd</sup> 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 appellant has met this burden and that a reduction is warranted.

In determining the fair market value of the subject property, the Board finds the best evidence to be the appellant's appraisal. The Board finds this appraisal to be persuasive for the appraiser personally inspected the subject property and undertook two of the three traditional approaches to value in estimating the subject's market value. Moreover, he utilized market data to obtain improved sale comparables while providing sufficient detail regarding each sale as well as appropriate adjustments where necessary.

Therefore, the Board finds that the subject property contained a market value of \$145,000 for tax year 2009. Since the market value of the subject has been established, the median level of assessment as determined by the Illinois Department of Revenue for class 2, residential property of 8.9% will apply. In applying this level of assessment to the subject, the total assessed value is \$12,905, while the subject's current total assessed value is above this amount at \$25,157. 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.

*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: April 20, 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.