



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

APPELLANT: Jose Aguilar
DOCKET NO.: 09-32972.001-R-1
PARCEL NO.: 27-35-305-010-0000

The parties of record before the Property Tax Appeal Board are Jose Aguilar, the appellant, by attorney Timothy C. Jacobs of Gary H. Smith PC in Chicago; 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: \$4,232
IMPR.: \$36,708
TOTAL: \$40,940**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a two-story, frame and masonry dwelling that is approximately two years old. The dwelling contains approximately 3,585 square feet of living area.¹ Features of the home include a full unfinished basement, central air conditioning, a fireplace, and a three-car garage. The property has a 12,600 square foot site and is located in Tinley Park, Orland Township, Cook County.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted an appraisal estimating the subject property had a market value of \$460,000 or \$128.31 per square foot of living area, land included, as of January 29, 2009. The appraisal was prepared by Marisol Viera, a State of Illinois certified real estate appraiser. In estimating the

¹ Parties differed on size. Given the record, the appraiser's data is accepted as having better support.

market value of the subject property, the appraiser developed the cost and the sales comparison approaches to value.

As part of the subject's sale history, the appellant's appraiser reported that the subject last sold in August 2007 for \$542,000 or \$151.19 per square foot of living area, land included.

Under the cost approach, the appraiser estimated the subject had a site value of \$110,000. The appraiser estimated the replacement cost new of the improvements to be \$358,125. The appraiser estimated depreciation to be \$7,163 resulting in a depreciated improvement value of \$350,962. The appraiser indicated there were no site improvements to add. After adding the various components, the appraiser estimated the subject property had a market value of \$461,000 under the cost approach to value.

Under the sales comparison approach, the appraiser provided information on four comparable sales described as two-story dwellings of frame and masonry construction. The dwellings range in age from six to nine years and in size from 2,500 to 3,600 square feet of living area. Each comparable has a basement, central air conditioning, a fireplace, and a three-car garage. The comparables have sites that range in size from 9,000 to 14,500 square feet of land area. The comparables sold from February to September 2008 for prices ranging from \$375,000 to \$472,500 or from \$131.25 to \$150.00 per square foot of living area, including land. After making adjustments to the comparables for differences from the subject, the appraiser estimated the comparables had adjusted prices ranging from \$407,600 to \$464,500 or from \$129.03 to \$163.04 per square foot of living area, including land. Based on this data, the appraiser estimated the subject had a market value under the sales comparison approach of \$460,000.

In reconciling the two approaches to value, the appraiser gave more weight to the sales comparison approach to value and estimated the subject property had a market value of \$460,000 as of January 29, 2009. Based on this evidence, the appellant's attorney requested that the subject's assessment be calculated by applying the 10% ordinance level of assessments for Class 2 residential property in Cook County to the estimate of market value contained in the appraisal report. Based on this record, counsel requested the subject's total assessment be reduced to \$46,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$50,198 was disclosed. The subject's assessment reflects a market value of \$564,022 or \$157.33 per square foot of living area, including land, when applying the 2009 three year average median level of assessments for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 8.90% as determined by the Illinois Department of Revenue.

With its "Notes on Appeal," the board of review submitted information on four suggested equity comparables and provided sale prices for the subject property and two of the equity comparables. According to the board of review, the subject property sold in June 2007 for \$542,000 or for \$151.19 per square foot living area, land included, based on the subject dwelling having 3,585 square feet of living area. Comparable #2 sold in November 2006 for \$497,000 or for \$126.40 per square foot of living area, land included. Comparable #4 sold in January 2006 for \$555,500 or for \$139.92 per square foot of living area, land included. Both of these comparables are described as two-story dwellings of frame and masonry construction. Comparable #2 is seven years old and has 3,932 square feet of living area. Comparable #4 is three years old and has 3,970 square feet of living area. Both of these comparables have full unfinished basements, central air conditioning, a fireplace, and a three-car garage. On its "Board of Review Analysis/Evidence Sheet," the board of review listed five equity comparables with limited descriptive data. Three of these comparables were not included in the "Notes on Appeal." One of these comparables, comparable #5, sold in October 2006 for \$510,000 or for \$129.70 per square foot of living area, land included. This comparable was described as a four-year old dwelling with 3,932 square feet of living area. The board of review also presented a list of twenty properties that sold from January 2003 to June 2007 for prices that ranged from \$63,250 to \$632,179. Descriptive data for these sale properties was not provided. 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 warranted.

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); 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the appellant's appraisal report is the best evidence of the subject's market value as of the January 1, 2009 assessment date. The appraiser estimated a market value of \$460,000 or \$128.31 per square foot of living area, land included, for the subject property as of January 29, 2009. The subject's assessment reflects a market value of \$564,022 or \$157.33 per square foot of living area, land included, using the 2009 three year median level of assessments for Class 2 property in Cook County of 8.90% as determined by the Illinois Department of Revenue. The subject's market value as reflected by its assessment is in excess of the market value estimate contained in the appraisal report.

The Board finds that the board of review was not able to refute the appellant's overvaluation argument. On its "Notes on Appeal" and "Analysis/Evidence Sheet," the board of review presented seven equity comparables and sale prices for three of these comparables. The board of review also presented a sale price for the subject property. The equity comparables sold from January to November 2006, and the subject property sold in June 2007. None of these sales were as proximate in time to the January 1, 2009 assessment date as the comparable sales utilized in the appraisal report. The board of review also provided a list of twenty sale properties but no descriptive data for these properties was given. As a result, no weight was given to this evidence.

Based on this record, the Board finds the subject property had a market value of \$460,000 as of the January 1, 2009 assessment date. Since market value has been determined, the 2009 three year average median level of assessments for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 8.90% shall apply. (86 Ill.Admin.Code §1910.50(c)(2)).

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

Tracy 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: March 21, 2014

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.