



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

APPELLANT: Ray & Kathy Vicario  
DOCKET NO.: 11-29792.001-R-1  
PARCEL NO.: 27-02-213-015-0000

The parties of record before the Property Tax Appeal Board are Ray & Kathy Vicario, the appellant(s); 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:** \$7,702  
**IMPR.:** \$30,258  
**TOTAL:** \$37,960

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a 15,405 square foot parcel of land improved with a 10-year old, two-story, frame and masonry, single-family dwelling containing 3,155 square feet of living area, three baths, air conditioning, a fireplace, and a full, unfinished basement. The appellant argued that the fair market value of the subject was not accurately reflected in its assessed value as the basis of the appeal.

In support of the market value argument, the appellant submitted an appraisal undertaken by Donald B. Fry of Accurate Appraisals, Ltd. The appraiser estimated a market value of \$400,000 as of September 8, 2011. The appraisal report utilized the sales comparison and cost approaches to value to estimate the market

value for the subject property. The appraisal found the subject's highest and best use to be its present use.

Under the sales comparison approach, the appraiser analyzed the sales of three properties described as two-story, masonry or frame and masonry, single-family dwellings located within the subject's market. The properties range in age from 6 to 28 years and in size from 3,012 to 3,238 square feet of living area. They sold from March to August 2011 for prices ranging from \$317,000 to \$484,000 or from \$97.90 to \$154.78 per square foot of living area. The appraiser adjusted each of the comparables for pertinent factors. Based on the similarities and differences of the comparables when compared to the subject, the appraiser estimated a value for the subject under the sales comparison approach of \$400,000.

Under the cost approach, the appraiser estimated a value of \$435,155. In reconciling the values, the appraiser gave most weight to the sales comparison approach and estimated a final value for the subject of \$400,000.

In addition, the appellant included a comparative market analysis that included description and sales information on six properties. Two of the properties had actual sales contracts with one sale completed and one pending. These two properties are described as two-story, frame and masonry, single-family dwellings. One property sold in November 2011 for \$450,000 or \$90.00 per square foot of living area. The other was pending sale at the time the evidence was submitted for \$469,900 or \$123.72 per square foot of living area.

The appellant also included information on the sale of the subject in 2001 and an estimated value of the property by an appraiser for this sale.

The appellant also argued equity and submitted four suggested comparables. These properties had improvement assessments from \$8.60 to \$9.98 per square foot of living area.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$51,241 was disclosed. The subject's final assessment reflects a fair market value of \$539,947 or \$171.14 per square foot of living area when the Illinois Department of Revenue's 2011 three-year median level of assessment of 9.49% for Cook County Class 2 properties is applied.

In support of the subject's assessment, the board of review presented descriptions and assessment information on four properties suggested as comparable. The properties have improvement assessments from \$13.98 to \$15.01 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant testified that the subject property is the least expensive home in the subdivision and that all the other homes were built by a different builder with more amenities and upgrades than the subject.

As to the equity comparables, the appellant testified that these properties are located within two blocks of the subject and are more similar to the subject than the other properties within the subdivision.

The board of review's representative, Joe Power, argued that the appraiser was not present at the hearing to testify or be cross-examined and, therefore, the appraisal is hearsay. He also asserted that the board of review's comparables are similar to the subject and support the subject's assessment.

The appellant testified that he is familiar with the properties analyzed in the appraisal and that they are located within a couple blocks from the subject and are similar to the subject in lot size, construction, age. Mr. Vicario acknowledged he has not been inside these homes.

Mr. Power argued that the best reflection of the subject's value is the appraisal's comparable #1 which sold for \$484,000.

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

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).

In determining the fair market value of the subject property, the Board looks to the evidence and testimony presented by the parties.

The appellant's appraiser was not present at hearing to testify as to his qualifications, identify his work, testify about the contents of the evidence, the conclusions or be cross-examined by the board of review and the PTAB. In Novicki v. Department of Finance, 373 Ill.342, 26 N.E.2d 130 (1940), the Supreme Court of Illinois stated, "[t]he rule against hearsay evidence, that a witness may testify only as to facts within his personal knowledge and not as to what someone else told him, is founded on the necessity of an opportunity for cross-examination, and is basic and not a technical rule of evidence." Novicki, 373 Ill. at 344. In Oak Lawn Trust & Savings Bank v. City of Palos Heights, 115 Ill.App.3d 887, 450 N.E.2d 788, 71 Ill.Dec. 100 (1<sup>st</sup> Dist. 1983) the appellate court held that the admission of an appraisal into evidence prepared by an appraiser not present at the hearing was in error. The appellate court found the appraisal to be hearsay that did not come within any exception to the hearsay rule, thus inadmissible against the defendant, and the circuit court erred in admitting the appraisal into evidence. Id.

In Jackson v. Board of Review of the Department of Labor, 105 Ill.2d 501, 475 N.E.2d 879, 86 Ill.Dec. 500 (1985), the Supreme Court of Illinois held that the hearsay evidence rule applies to the administrative proceedings under the Unemployment Insurance Act. The court stated, however, hearsay evidence that is admitted without objection may be considered by the administrative body and by the courts on review. Jackson 105 Ill.2d at 509. In the instant case, the board of review has objected to the appraisal as hearsay. Therefore, the Board finds the appraisal hearsay and the adjustments and conclusions of value are given no weight. However, the Board will consider the raw sales data submitted by the parties.

The Board finds the appellant submitted sales data on four properties that completed their sales transaction. The Board finds these sales similar to the subject. These sales occurred from March and November 2011 for prices ranging from \$317,000 to \$484,000 or from \$90.00 to \$154.78 per square foot of living area. In comparison, the appellant's assessment reflects a market value of \$171.14 per square foot of living area which is above the range established by the sales comparables. After considering adjustments and the differences in the comparables when compared to the subject, the Board finds the subject's per

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square foot assessment is not supported and a reduction is warranted. The Board further finds that the subject is equitably assessed.

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: September 19, 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.