



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

APPELLANT: Carole Branchetti
DOCKET NO.: 12-22808.001-R-1
PARCEL NO.: 05-34-115-001-0000

The parties of record before the Property Tax Appeal Board are Carole Branchetti, the appellant, by attorney Christopher G. Walsh, Jr., Attorney at Law in Chicago; and the Cook County Board of Review.

Based on the facts and exhibits presented in this matter, 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: \$15,058
IMPR.: \$81,733
TOTAL: \$96,791

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Cook County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2012 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property is a one year-old, two-story dwelling of masonry construction containing 3,034 square feet of living area. Features of the home include a full finished basement, central air conditioning, a fireplace and a two-car garage. The property has a 9,715 square foot site and is located in New Trier Township, Cook County. The property is a Class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. In support of this argument, the appellant submitted information that the assessment of the dwelling should be \$81,733. The appellant submitted her affidavit attesting: that she purchased the land in March 2009 for \$275,000; that she engaged general contractor, George Hausen, to construct her house for \$692,910.44; and that the total amount paid for construction of the house was \$692,910.44. The affidavit incorporated by reference and attached three documents: a print-out from the Cook

County Recorder of Deeds disclosing the land was purchased for \$275,000 resulting from a foreclosure; a statement to Chicago Title Insurance Company signed by the appellant approving an adjusted total payment to George Hausen for \$692,910.44 with a corresponding column entitled "balance to become due" under which a zero balance is disclosed; and a Statement for Contractor disclosing the name of George Hausen totaling \$692,910.44 under the column heading "Total Completed and Stored to Date." The statement to Chicago Title Insurance Company was signed by the appellant but not notarized. The Statement for Contractor disclosing the contractor's name was not signed and notarized. It included the date of January 11, 2011 and the notation "#4 Final 1-12-11" in the upper right corner. The appellant also submitted a copy of a Certificate of Compliance and Occupancy from the Village of Wilmette dated December 30, 2010.

The appellant requested a total assessment reduction to \$96,791, \$15,058 of which is for land and \$81,733 of which is for the dwelling, when applying the 2012 level of assessment of 10.00% for Class 2 property under the Cook County Real Property Assessment Classification Ordinance.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$107,777. The subject property has an improvement assessment of \$92,719, or \$30.56 per square foot of living area. The subject's assessment reflects a market value of \$1,077,770, or \$394.90 per square foot of living area including land, when applying the 2012 level of assessment of 10.00% for Class 2 property under the Cook County Real Property Assessment Classification Ordinance.

In support of its contention of the correct assessment, the board of review submitted information on four suggested sales comparables.

Conclusion of Law

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. 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 with "documentation evidencing the cost of construction of the subject property including the cost of the land and the value of any labor provided by the owner." 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 best evidence of the dwelling to be the appellant's evidence of construction costs. 86 Ill.Admin.Code §1910.63(c)(3). That evidence consisted of an affidavit of the appellant that "the total cost of the home was \$967,910.44." This affidavit references the attached statement dated January 12, 2011 and signed by the appellant to Chicago Title Insurance Company disclosing a zero balance due next to the adjusted total of \$692,910.44. Although the Statement for Contractor was neither signed by the contractor nor notarized, it discloses under the heading Schedule Value a total of \$692,910.44. The Certificate of Compliance and Occupancy from the Village of Wilmette is dated December 30, 2010 and discloses that the building "[h]as been satisfactorily completed..."

There is no evidence in the record to rebut the construction costs. The only evidence submitted by the board of review was four sales comparables. Although the statements attached to the appellant's affidavit were either not notarized or signed, they were incorporated by reference by the affidavit of the appellant and contain scheduled totals consistent with the affidavit. The date of the Certificate of Compliance and Occupancy supports the appellant's assertion that \$692,910.44 was the final cost of construction. The totality of evidence supports the Board's finding that the subject property is overvalued. Based on this evidence, the Board finds an assessment reduction to the amount requested by the appellant 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.



Chairman



Member



Member



Member



Acting Member

DISSENTING: _____

CERTIFICATION

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 23, 2016



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.