

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Roscoe Seminary, L.L.C.
DOCKET NO.: 03-23950.001-R-1
PARCEL NO.: 14-20-416-006-0000

The parties of record before the Property Tax Appeal Board are Roscoe Seminary, L.L.C., the appellant, by attorney Robert Marsico of Crane and Norcross, Chicago, and the Cook County Board of Review.

The subject property consists of a 110-year-old, three-story style multi-family dwelling of masonry construction containing 4,938 square feet of living area and located in Lake View Township, Cook County. Amenities include a full basement and a two-car garage.

The appellant, through counsel, submitted evidence before the Property Tax Appeal Board claiming both unequal treatment in the assessment process and overvaluation as the bases of the appeal. In support of the inequity argument, the appellant offered a spreadsheet detailing three suggested comparable properties located in the same coded assessment neighborhood as the subject. These properties consist of three-story style multi-family dwellings of frame or masonry construction from 102 to 119 years old. Two of the comparables are mixed use buildings. One of the comparables contains a basement and has a garage. The comparables range in size from 4,543 to 5,092 square feet of living area and have improvement assessments ranging from \$6.27 to \$13.53 per square foot of living area. In support of the overvaluation argument the appellant submitted an income approach to value based of the subject's income and expenses and prepared by counsel. A copy of the subject's 2003 board of review final decision was also included. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

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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:	\$	11,928
IMPR.:	\$	71,819
TOTAL:	\$	83,747

Subject only to the State multiplier as applicable.

PTAB/lbs/070436

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final improvement assessment of \$71,819, or \$14.54 per square foot of living area, was disclosed. In support of the subject's assessment, the board of review offered property characteristic sheets and a spreadsheet detailing four suggested comparable properties located within three blocks of the subject. The comparables consist of three-story style multi-family dwellings of masonry construction from 103 to 112 years old. All of the comparables contain basements, one has air conditioning and two have garages. These properties range in size from 4,272 to 4,612 square feet of living area and have improvement assessments ranging from \$14.77 to \$15.42 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject property'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 appellant's argument was unequal treatment in the assessment process. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellant has failed to overcome this burden.

The Property Tax Appeal Board finds that the parties submitted seven properties as comparable to the subject; all located in the same coded assessment neighborhood as the subject. Although these properties are similar in age and size when compared to the subject, the Board accords the appellant's comparables diminished weight as two properties do not have basements and one of the structures is of different construction type than the subject. The Board accords the board of review's comparables the most weight as they are similar in construction type and amenities when compared to the subject. Further, these four properties appear to be in closer proximity to the subject than the appellant's comparables. The four properties accorded the most weight have improvement assessments ranging from \$14.77 to \$15.42 per square foot of living area. The subject's improvement assessment of \$14.54 is below the range of the properties accorded the most weight by the Board. Therefore, after considering adjustments and the differences in both parties' suggested comparables when compared to the subject property, the Board finds the subject's per square foot improvement assessment is supported by the properties contained in the record.

As a result of this analysis, the Property Tax Appeal Board finds the appellant has not adequately demonstrated that the subject dwelling was inequitably assessed by clear and convincing evidence and a reduction is warranted.

The Board finds the appellant's argument that the subject's assessment is excessive when applying an income approach based on the subject's actual income and expenses unconvincing and not supported by evidence in the record. In Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970), the court stated:

[I]t is the value of the "tract or lot of real property" which is assessed, rather than the value of the interest presently held. . . [R]ental income may of course be a relevant factor. However, it cannot be the controlling factor, particularly where it is admittedly misleading as to the fair cash value of the property involved. . . [E]arning capacity is properly regarded as the most significant element in arriving at "fair cash value".

Many factors may prevent a property owner from realizing an income from property, which accurately reflects its true earning capacity; but it is the capacity for earning income, rather than the income actually derived, which reflects "fair cash value" for taxation purposes. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d at 431.

Actual expenses and income can be useful when shown that they are reflective of the market. The appellant did not demonstrate through an expert's appraisal that the subject's actual income and expenses are reflective of the market. To demonstrate or estimate the subject's market value using an income approach, as the appellant attempted, one must establish through the use of market data the market rent, vacancy and collection losses, and expenses to arrive at a net operating income. Further, the appellant must establish through the use of market data a capitalization rate to convert the net income into an estimate of market value. The appellant did not provide such evidence; therefore, the Property Tax Appeal Board gives this argument no weight.

The Board further finds problematical the fact that appellant's counsel developed the "income approach" rather than an expert in the field of real estate valuation. The Board finds that an attorney cannot act as both an advocate for a client and also provide an unbiased, objective opinion of value for that client's property. . *Official Rules of the Property Tax Appeal Board 1910.70(f)*

This is a final administrative decision of the Property Tax Appeal Board are 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



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 28, 2007



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.