

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Sebastian Cualoping
DOCKET NO.: 03-26055.001-C-1
04-23910.001-C-1
PARCEL NO.: See Page 3

The parties of record before the Property Tax Appeal Board (hereinafter PTAB) are Sebastian Cualoping, the appellant, by attorney Adam E. Bossov in Chicago and the Cook County Board of Review.

The subject property consists of several parcels of land totaling 12,781 square feet and containing a one-story, masonry constructed, commercial building with 4,950 square feet of building area. The appellant, via counsel, argued that there was unequal treatment in the assessment process of the improvement as the basis for this appeal.

At hearing, the appellant's attorney withdrew the appellant's market value argument and stated that the evidence submitted should be used only to establish comparability for the sales properties used as suggested comparables under an equity argument. In addition, the appellant's attorney requested that the above appeals be consolidated for decision purposes without

(Continued on Next Page)

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: See Page 3
IMPR.: See Page 3
TOTAL: See Page 3

Subject only to the State multiplier as applicable.

PTAB/0457JBV

objection from the board of review. Therefore, the PTAB finds that the two appeals are within the same assessment triennial, involve common issues of law and fact and a consolidation of the appeals would not prejudice the rights of the parties. Therefore, under the *Official Rules of the Property Tax Appeal Board, Section 1910.78*, the PTAB consolidates the above appeals.

In support of this equity argument, the appellant submitted assessment data and descriptions of six properties suggested as comparable to the subject. These comparables are all located within the subject's market and are improved with a one-story, masonry or concrete construction, single-tenant commercial building. These buildings ranged in age from 32 to 74 years, in land to building ratio from .75:1 to 2.33:1 and in size from 3,500 to 18,300 square feet of building area. The comparables have improvement assessments from \$50,341 to \$195,653 or from \$6.35 to \$21.98 per square foot of building area, with one property exempt from taxation. Based upon this analysis, the appellant requested a reduction in the subject's improvement assessment.

At hearing, the appellant's attorney, Adam Bossov, argued that the suggested comparables are all comparable to the subject property and are assessed less than the subject when calculating an assessment per square foot of building area when using the total assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$204,600 and improvement assessment was \$114,402 or \$23.11 per square foot of building area. The board also submitted Comps sale information for a total of 11 properties suggested as comparable to the subject. These comparables are all located within the subject's market and are improved with a one or two-story, masonry, concrete or mixed construction, single-tenant or strip center commercial building. These buildings ranged in age from four to 91 years and in size from 3,400 to 8,000 square feet of building area. The comparables sold from February 2002 to April 2005 for prices ranging from \$415,000 to \$1,200,000 or from \$104.48 to \$172.41 per square foot of building area. The Comps printouts submitted as evidence note that the information provided is not guaranteed as accurate or reliable. As a result of its analysis, the board requested confirmation of the subject's assessment.

At hearing, the board of review's representative, Mike Sobczak, rested on the evidence submitted by the board.

In rebuttal, the appellant's attorney submitted the assessed values for nine of the properties presented by the board. These nine suggested comparables have improvement assessments from

\$20,876 to \$200,947 or from \$2.61 to \$29.99 per square foot of building area. Two of the board of review's suggested comparables had reduced improvement assessments for 2004 with one having no value and being classified in 2004 as vacant land.

In response to questioning, Mr. Bossov did not have any knowledge as to whether any of the suggested comparables had occupancy factors applied to the assessed value.

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

Appellants 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, 544 N.E.2d 762 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. Proof of assessment inequity should include assessment data and documentation establishing the physical, locational, and jurisdictional similarities of the suggested comparables to the subject property. Property Tax Appeal Board Rule 1910.65(b). Mathematical equality in the assessment process is not required. A practical uniformity, rather than an absolute one is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill. 2d 395, 169 N.E.2d 769 (1960). Having considered the evidence presented, the PTAB concludes that the appellant has not met this burden and that a reduction is not warranted.

The parties presented assessment data on a total of 17 equity comparables. The PTAB finds the appellant's comparables #1 through #5 and the board of review's comparables #1 through #5 (the 2003 comparables) are the most similar to the subject. These 10 comparables contain a one or two-story, masonry, single-tenant, commercial building located within the subject's market. The improvements range in age from 32 to 91 years and in size from 3,400 to 9,375 square feet of building area. Their improvement assessments range from \$4.37 to \$29.99 per square foot of building area. In comparison, the subject's improvement assessment of \$23.11 per square foot of building area falls within the range established by these comparables. The PTAB accorded less weight the remaining comparables due to a disparity in size, construction, and/or design.

As a result of this analysis, the PTAB further finds that the appellant has not adequately demonstrated that the subject's improvement was inequitably assessed by clear and convincing evidence and that a reduction is not warranted.

Docket No. 03-26055.001-C-1 and 04-23910.001-C-1

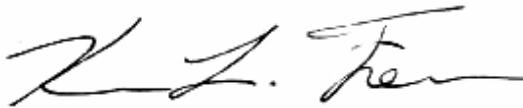
<u>DOCKET #</u>	<u>PIN</u>	<u>LAND</u>	<u>IMPROVEMENT</u>	<u>TOTAL</u>	
03-26055.001-C-1	14-05-306-003	\$32,826	\$50,543	\$83,369	
03-26055.002-C-1	14-05-306-004	\$37,411	\$61,773	\$99,184	
03-26055.003-C-1	14-05-306-018	\$19,961	\$ 2,086	\$22,047	
04-23910.001-C-1	14-05-306-003	\$32,826	\$50,543	\$83,369	
04-23910.002-C-1	14-05-306-004	\$37,411	\$61,773	\$99,184	
04-23910.003-C-1	14-05-306-018	\$19,961	\$ 2,086	\$22,047	\$22,047

Docket No. 03-26055.001-C-1 and 04-23910.001-C-1

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

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: October 26, 2007



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

Docket No. 03-26055.001-C-1 and 04-23910.001-C-1

"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.