

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Nick Panomitros
DOCKET NO.: 03-30519.001-R-1
PARCEL NO.: 17-04-450-025-0000
TOWNSHIP: North

The parties of record before the Property Tax Appeal Board (PTAB) are Nick Panomitros, the appellant, by attorney Arnold G. Siegel of Chicago and the Cook County Board of Review.

The subject property consists of a 36-year-old, three-story, mixed use building of masonry construction containing three residential and one commercial units with a total of 2,640 square feet of building area and located in North Township, Cook County. The property includes two and one half bathrooms, and a partial basement.

The appellant, through counsel, submitted evidence before the PTAB claiming unequal treatment in the assessment process as the basis of the appeal. In support of this argument, the appellant offered three suggested comparable properties located within four to eight blocks of the subject. These properties consist of two or three-story mixed use buildings of masonry construction containing four or six apartments and one commercial unit each. The comparables range in age from 70 to 123 years. The comparables include one, three or five bathrooms and partial basements. One property has a one-car garage. The comparables contain between 2,200 and 3,384 square feet of living area and have improvement assessments ranging from \$46,490 to \$59,850 or from \$17.69 to \$21.13 per square foot of living area. The appellant also submitted affidavits disclosing a vacancy and rent loss of 80.95%. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final total assessment of \$117,860 and improvement assessment of \$100,260, or \$37.97 per square foot of living area, was disclosed. In support of the subject's assessment, the board of review disclosed the subject's April 1,

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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: \$ 17,600
IMPR.: \$100,260
TOTAL: \$117,860

Subject only to the State multiplier as applicable.

PTAB/TMcG.

2001 purchase price of \$680,000. The board offered no other evidence supporting the subject's assessment. 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 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 appellant submitted three suggested comparables as similar to the subject. The properties have improvement assessments ranging from \$17.69 to \$21.13 per square foot of living area. The subject's per square foot improvement assessment of \$37.98 is above this range of properties. However, the PTAB finds the comparables are not similar enough to the subject to effect an assessment change. The three comparables are much older than the subject and two differ in building area by 440 and 744 square feet. They are also four to eight blocks distant from the subject. After considering the differences in the suggested comparables when compared to the subject property, the PTAB finds the evidence is insufficient to effect a change in the subject's assessment.

The Board finds the appellant's argument that the subject's assessment is excessive when applying an income and vacancy 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 428 at 431

Actual expenses and income can be useful when shown that they are reflective of the market. The appellant did not demonstrate that the subject's actual income and expenses were 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 failed to follow this procedure in developing the income approach to value; therefore, the Property Tax Appeal Board gives this argument no weight.

Although the board did not provide any equity evidence in support of the subject's current assessment, the Property Tax Appeal Board finds the appellant has failed to demonstrate by a preponderance of the evidence that the subject property is overassessed. Therefore, the Property Tax Appeal Board finds that no reduction in the subject's assessment is warranted.

As a result of this analysis, the PTAB finds the appellant did not adequately demonstrate that the subject property was inequitably assessed by clear and convincing evidence and a reduction is not 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

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: December 21, 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.