

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Alise Boksa  
DOCKET NO.: 04-23713.001-R-1  
PARCEL NO.: 14-29-423-026-0000

The parties of record before the Property Tax Appeal Board are Alise Boksa, the appellant, by attorney Terrence Kennedy, Jr. of the Law Offices of Terrence Kennedy, Jr. of Chicago and the Cook County Board of Review.

The subject property consists of a 120-year-old, one and part two-story, two-unit apartment building of frame construction containing 2,269 square feet of building area and located in Lakeview Township, Cook County. The apartment property includes three bathrooms, a basement apartment and a two-car garage.

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 four suggested comparable properties located within a block of the subject. These properties consist of two-story, two or three apartment buildings of frame construction and range in age from 101 to 117 years. The comparables include two or three bathrooms and full basements, two finished and one has an apartment. One building is air conditioned and all three sites have one or two-car garages. The comparables contain between 2,140 and 2,750 square feet of building area and have improvement assessments ranging from \$33,340 to \$49,430 or from \$15.58 to \$18.49 per square foot of building area. The appellant also claimed an 80% vacancy for 2004 and submitted a vacancy affidavit. 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 improvement assessment of \$52,782, or \$23.26 per square foot of living area, was disclosed. In support of the subject's assessment, the board of review offered two suggested comparable properties located within a quarter mile of the subject. The comparables consist of two-story, two-unit buildings of frame or masonry construction. The comparables are 108 and 115 years old and have full basements, one finished. They have two bathrooms and one site has a two-car

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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: \$11,172  
IMPR.: \$48,828  
TOTAL: \$60,000

Subject only to the State multiplier as applicable.

PTAB/TMcG.

garage. The comparable properties contain 2,009 and 2,024 square feet of building area with improvement assessments of \$44,213 and \$46,166 or \$22.98 and \$21.84 per square foot of building 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 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 overcome this burden.

The PTAB finds the appellant's comparables especially comparables one and three are the comparables most similar to the subject. These properties have improvement assessments ranging from \$15.58 to \$18.49 per square foot of living area. The subject's per square foot improvement assessment of \$23.26 is above this range of properties. The PTAB gives less weight to the board's comparables because they are less similar to the subject in building area, location and construction thus have less influence. After considering adjustments and the differences in both parties' suggested comparables when compared to the subject property, the PTAB finds the evidence is sufficient to effect a change in the subject's assessment.

As to the appellant's vacancy argument, actual vacancy claims, expenses and income can be useful when shown that they are reflective of the market. The appellant did not demonstrate that the subject's lost income was reflective of the market. To demonstrate or estimate the subject's market value using vacancy figures, 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 follow this procedure in developing an income approach to value; therefore, the Property Tax Appeal Board gives this argument no weight.

As a result of this analysis, the PTAB finds the appellant did adequately demonstrate that the subject apartment building was inequitably assessed by clear and convincing evidence and a reduction 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



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: April 24, 2009



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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.