

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Steve Misiti
DOCKET NO.: 04-27716.001-R-1
PARCEL NO.: 12-11-118-028-0000

The parties of record before the Property Tax Appeal Board (PTAB) are Steve Misiti, the appellant, by attorney Melissa Whitley of Marino & Associates, P.C. of Chicago and the Cook County Board of Review (board).

The subject property consists of a 32-year-old, three-story, six-unit apartment building of masonry construction containing 6,121 square feet of living area and located in Jefferson Township, Cook County. The apartment property includes six bathrooms, a full basement and no garage.

The appellant's attorney appeared before the PTAB and submitted evidence before the PTAB claiming that the subject's market value is not accurately reflected in its assessment. In support of this argument the appellant submitted an appraisal dated January 1, 2003 containing the income approach to value in support of the subject's income analysis. In the income approach the appraiser estimated the subject's market value to be \$265,000. The appraiser was not present as a witness to the appraiser's appraisal process.

In the income approach the appraiser employed seven comparable monthly rentals ranging from \$750.00 to \$1000.00 and considered \$800.00 to be an appropriate rental for the subject. After considering income loss the appraiser arrived at an effective gross income of \$53,742. The subject is a six-unit fully occupied apartment building. As such, the appraiser employed expenses and deductions from the effective gross income such as 15% for Repairs and Maintenance, 5% for Management, 2.5% for Legal fees, Grounds and Security and deductions for furniture, Fixtures and Equipment amounting to \$24,435. The appraiser arrived at a net operating of \$29,435. Research yielded a loaded capitalization rate of 11.03%. Capitalizing the net operating

(Continued on Next Page)

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: \$ 5,742
IMPR. \$36,658
TOTAL: \$42,400

Subject only to the State multiplier as applicable.

PTAB/TMcG.

income of \$29,435 resulted in a rounded income approach to market value of \$265,000.

In addition, the appellant submitted evidence claiming unequal treatment in the assessment process. In support of this argument, the appellant offered four suggested comparable properties located within five blocks of the subject. These properties consist of apartment buildings of masonry construction and range in age from 30 to 33 years. The comparables include six bathrooms, three with full or partial basements and one with a two-car garage. The number of apartment units was not disclosed. The comparables contain between 6,228 and 6,699 square feet of living area and have improvement assessments ranging from \$42,154 to \$54,191 or from \$6.29 to \$8.53 per square foot of living area. 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 total assessment of \$64,878 or market value of \$405,487 and improvement assessment of \$59,136, or \$9.66 per square foot of living area, was disclosed. In support of the subject's assessment, the board of review offered three suggested comparable properties located within a block of the subject. The comparables consist of three-story, six-unit buildings of masonry construction. The comparables range in age from 30 to 31 years, full basements and no garages. The buildings have six bathrooms. The comparable properties contain 6,121 square feet of living area with improvement assessments ranging from \$59,264 to \$59,348 or from \$9.68 to \$9.69 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject property's assessment.

When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. *Property Tax Appeal Board Rule 1910.63(e)*. Proof of market value may consist of an appraisal, a recent arm's length sale of the subject property, recent sales of comparable properties, or recent construction costs of the subject property. *Property Tax Appeal Board Rule 1910.65(c)*.

The PTAB finds that the appellant has met this burden and has submitted the best evidence of market value. However, the PTAB finds some of the appraisal's expense deductions questionable. The appraiser was not present to respond to these questions, therefore, the PTAB will give limited weight to the appraisal report. Based on the evidence submitted, the PTAB finds the appellant's request for a 2003 assessment of \$42,400 is reasonable.

Since the PTAB has determined that a reduction in the subject's assessment is warranted based upon a market value argument, the PTAB finds no need to address the equity arguments.

As a result of this analysis, the PTAB finds that the appellant has adequately demonstrated that the subject property was overvalued and that a reduction in the subject's assessment 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: December 7, 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.