

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Aslan & Hanko Kraja
DOCKET NO.: 04-27918.001-R-1
PARCEL NO.: 13-12-115-039-0000

The parties of record before the Property Tax Appeal Board are Aslan & Hanko Kraja, the appellants, by attorney Peter A. Cantwell with the law firm of Cantwell & Cantwell, Chicago, and the Cook County Board of Review.

The subject property consists of a 49-year-old, two-story, three unit, multi-family dwelling of masonry construction containing 4,540 square feet of living area and sited on a 7,018 square foot parcel. Features of the building include three full bathrooms, a full-finished basement apartment and a three-car detached garage.

The appellants, through counsel, appeared before the Property Tax Appeal Board claiming unequal treatment in the assessment process as the basis of the appeal. In support of this claim, the appellants submitted assessment data and descriptive information on four properties suggested as comparable to the subject. The appellants also submitted a three-page brief, photographs and Cook County Assessor's Internet Database sheets for the subject and the suggested comparables, a copy of the subject's spotted survey as well as a copy of the board of review's decision. Based on the appellants' documents, the four suggested comparables consist of two-story, four unit, multi-family dwellings of masonry construction located within close proximity to the subject. Two comparables are located on the same street and block as the subject. The improvements range in size from 3,332 to 3,902 square feet of living area and range in age from 49 to 53 years. The comparables contain from three to five full bathrooms and a full-finished or unfinished basement. One comparable contains a two-car detached garage. The improvement assessments range from \$10.00 to \$11.07 per square foot of living area. The four suggested land comparables range in size from 5,625 to 6,250 square feet and have land assessments of \$1.34 per square foot. The appellants also submitted income and expense data as well as a vacancy-occupancy affidavit.

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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: \$ 9,376
IMPR.: \$ 41,529
TOTAL: \$ 50,905

Subject only to the State multiplier as applicable.

At hearing, the appellants' attorney argued that the subject's assessment increased by a greater percentage than that of similar properties in the subject's neighborhood. Based on the evidence submitted, the appellants requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the subject's total assessment of \$50,905. The subject's improvement assessment is \$41,529 or \$9.15 per square foot of living area. In support of the assessment the board submitted property characteristic printouts and descriptive data on three properties suggested as comparable to the subject. The suggested comparables are improved with two-story, three or four unit, 53 or 54-year-old, multi-family dwellings of masonry construction with the same neighborhood code as the subject. The improvements range in size from 3,436 to 3,902 square feet of living area. The comparables contain three or four full bathrooms and an unfinished basement. The improvement assessments range from \$10.00 to \$10.71 per square foot of living area. The three suggested land comparables range in size from 5,625 to 6,250 square feet and have land assessments of \$1.34 per square foot. The appellants' comparables two and four and the board of review's comparables one and three are the same properties. Based on the evidence presented, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellants' attorney highlighted various differences between the subject and the board of review's comparables.

After hearing the testimony 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 appellants' 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 appellants have not overcome this burden.

Regarding the improvement, both parties presented assessment data on a total of five equity comparables. The appellants' comparables two and four and the board of review's comparables one and three are the same properties. The five comparables have improvement assessments ranging from \$10.00 to \$11.07 per square foot of living area. The subject's per square foot improvement assessment of \$9.15 falls below the range established by these properties. After considering adjustments and the differences in both parties' comparables when compared to the subject, the Board

finds the subject's per square foot improvement assessment is supported by the properties contained in the record.

Regarding the land, the Board finds the five land comparables submitted by both parties similar to the subject in size and location. They range in size from 5,625 to 6,250 square feet and have land assessments of \$1.34 per square foot. The subject's per square foot land assessment of \$1.34 indicates the subject is treated equitably when compared to similar properties.

Next, the Board finds the appellants' argument that the subject's assessment increased by a greater percentage than that of similar properties unpersuasive. The fact that the subject's assessment may have increased by a greater percentage than other properties does not support the contention of unequal treatment. The cornerstone of uniformity in assessment is the fair market value of the property. Kankakee County Board of Review v. Property Tax Appeal Board, 544 N.E.2d at 771. That is properties with similar market values should have similar assessments. Unequal treatment in the assessment process is demonstrated when properties of similar market values are assessed at substantially different levels. The mere contention that assessments among neighboring properties changed from one year to the next at different rates does not demonstrate that the properties are assessed at substantially different levels of fair market value.

Finally, actual expenses and income can be useful when shown that they are reflective of the market. The appellants 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 appellants 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 appellants must establish through the use of market data a capitalization rate to convert the net income into an estimate of market value. The appellants failed to follow this procedure in developing the income approach to value; therefore, the Property Tax Appeal Board gives this argument no weight.

As a result of this analysis, the Property Tax Appeal Board finds the appellants have failed to 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

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 5, 2008



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.