

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Dave Cwik
DOCKET NO.: 05-20406.001-C-1
PARCEL NO.: 16-32-405-008-0000

The parties of record before the Property Tax Appeal Board are Dave Cwik, the appellant, by attorney M. Whitley of Marino & Associates, PC of Chicago and the Cook County Board of Review.

The subject property consists of a 54-year-old, one-story, masonry building (1,664 sf), containing 24% of a commercial improvement (6,936 sf) prorated over four lots, located on its own lot of 2,950 square feet and located in Cicero Township.

The appellant, through counsel, submitted documentation to demonstrate that the subject property was improperly assessed. This evidence was timely filed by the appellant pursuant to the Official Rules of the PTAB. In support of the request for relief due to the subject's income, the appellant submitted two years of income and estimated expenses for the subject property resulting in a capitalization of the net operating income. The income and expense analysis was prepared by the law firm of Marino and Associates who claim to be certified to perform income and expense analyses. In addition, the appellant offered three suggested comparable property sales located within 18 to 22 miles of the subject. The sales occurred between April 2003 and February 2004 for prices ranging from \$30,000 to \$50,000 or from \$24.00 to \$41.58 per square foot. These properties consist of one-story commercial buildings and range in age from 25 to 43 years. The comparables contain between 1,200 and 2,000 square feet of building area. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted "Board of Review-Notes on Appeal" that disclosed the subject's total assessment of \$28,371 which translates to a market value of \$74,660 or \$44.87 per square foot. The board submitted evidence in support of its assessed value of the subject property. The board's evidence consists of

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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: \$ 7,847
IMPR. \$16,436
TOTAL: \$24,283

Subject only to the State multiplier as applicable.

PTAB/TMcG.

four commercial sales ranging from \$228,000 to \$450,000 with an unadjusted range from \$31.67 to \$75.00 per square foot prior to adjustments for market conditions, location, size, land to building ratio, zoning and other related factors.

After hearing the testimony and considering the evidence, the PTAB finds that it has jurisdiction over the parties and the subject matter of this appeal.

When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 728 N.E.2d 1256 (2nd Dist. 2000). 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. Section 1910.65 *The Official Rules of the Property Tax Appeal Board* (86 Ill.Adm.Code §1910.65(c)).

"A substantial reduction in the subsequent year's assessment is indicative of the validity of the prior year's assessment. Hoyne Savings & Loan Assoc. v. Hare, 60 Ill.2d 84, 90, 322 N.E.2d 833, 836 (1974); 400 Condominium Assoc. v. Tully, 79 Ill.App.3d 686, 690, 398 N.E.2d 951, 954 (1st Dist. 1979)." Therefore, the Board finds that based on the assessor's 2006 non-triennial building and assessment correction it is appropriate to reduce the appellant's 2005 portion of the improvement assessment to \$16,436.

The PTAB finds the board's sales evidence carries little weight because it lacks analysis and a certified conclusion of value.

The Property Tax Appeal Board finds the appellant has demonstrated by a preponderance of the evidence that the subject property is overvalued. Therefore, the Property Tax Appeal Board finds 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: January 25, 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.