

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Mario Intile
DOCKET NO.: 05-22906.001-R-1
PARCEL NO.: 15-04-403-021-0000

The parties of record before the Property Tax Appeal Board are Mario Intile the appellant, by attorney Scott M. Shudnow of Shudnow & Shudnow, Lt., Chicago, and the Cook County Board of Review.

The subject property consists of 5,535 square foot parcel improved with a 43-year old, two-story masonry constructed apartment building containing 5,754 square feet of living area. Located in Proviso Township, the improvement contains six apartments.

The appellant, through counsel, presented evidence before the Property Tax Appeal Board arguing that the fair market value of the subject was not accurately reflected in its assessed value. In support of that argument, an appraisal report authored by Stacy Ann Sherrier of Baird & Warner, Chicago, was proffered. The report revealed that Ms Sherrier is State of Illinois certified real estate appraiser.

To estimate a fair market value for the subject of \$293,000 as of January 1, 2005, the appraiser employed three approaches to value.

In the cost approach, the appraiser estimated a land value for the subject of \$175,000. No land sales were cited. Reproduction cost new was estimated to be \$406,550. The appraiser then deducted an estimated 71% or \$288,652 for physical depreciation; and added the estimated land value to conclude a depreciated value for the subject of \$292,899 via the cost approach as of the date at issue

The next approach to value in the appraisal was the income approach to value. The appraiser surveyed three rental properties located in the subject's general area. The surveyed properties had rents ranging from \$.93 to \$1.28 per square foot of leased area. The appraiser estimated \$3,680 as a monthly rent

(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:	\$	3,099
IMPR.:	\$	32,562
TOTAL:	\$	35,661

Subject only to the State multiplier as applicable.

rate for the subject which translates to \$44,160 as an estimated annual income. Vacancy and collection loss of 5% or \$2,208 was deducted to conclude an effective gross income (EGI) of \$41,852. Expenses, including real estate taxes, of \$26,300 were deducted from the EGI to estimate a net operating income (NOI) of \$15,652. A capitalization rate of 7.0% was applied to the NOI resulting in an estimated value for the subject of \$223,600 through the income approach to value.

In the sales comparison approach, the appraiser selected the sales of three six-unit apartment buildings located in areas similar to the subject's general area. The sales occurred from July 2001 to January 2003 for prices ranging from \$365,000 to \$450,000. From this information, the appraiser determined an estimated value of \$365,000 for the subject through the sales comparison approach to value.

In the reconciliation, the appraiser placed the most emphasis on the income approach, with secondary emphasis on the sales approach, and minimum emphasis was placed on the cost approach to value. The appraiser's final opinion of the subject's a fair market value was \$293,000 as of January 1, 2005. Based on the appraisal evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$46,428 was disclosed. The subject's final assessment reflects a fair market value of \$475,210 when the Illinois Department of Revenue 2005 three-year median level of assessment of 9.77% for residential property is applied. In support of the subject's assessment the board of review submitted four equity comparables. The comparables are masonry, two-story apartment buildings ranging in age from 42 to 43 years old. These properties are located within one block of the subject and range in size from 2,793 to 5,702 square feet of living area. The improvement assessments for the comparables range from \$7.85 to \$10.58 per square foot of living area. Based on the foregoing, the board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds it has jurisdiction over the parties and the subject matter of this appeal. The issue before the Property Tax Appeal Board is the subject's fair market value. Next, 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)). Having reviewed the record

and considered the evidence, the Board concludes that the appellant has satisfied this burden.

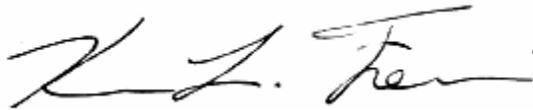
The Property Tax Appeal Board finds the board of review presented only equity comparables and did not address the appellant's contention that the subject is overvalued. Therefore, the Board places little weight on the board's evidence.

In the appeal the appellant's evidence consisted of an appraisal report for residential income property prepared by a state certified appraiser. The Property Tax Appeal Board finds the appellant's appraisal the only evidence in the record of the subject's market value. The Board finds the appraiser's sales comparison approach the most reliable of the three approaches to value in the report. Three sales of similar six unit apartment buildings located in the subject's general area were utilized. The appraiser, the Board finds, indicated adjustments were made to the comparables with the most emphasis placed on the comparable with the most similar layout, location and condition. The appraiser's concluded market value for the subject through the sales comparison approach is \$365,000. As the courts have held, where there is evidence of comparable sales, the market approach should be used. Accordingly, the Property Tax Appeal Board finds that the subject has a market value of \$365,000 as of the date at issue. Since the fair market value of the subject has been established, the Board finds that the Illinois Department of Revenue 2005 three-year median level of assessment of 9.77% for residential property shall apply and a reduction is accordingly 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: October 10, 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.