

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: 933 West Van Buren Condominium Association
DOCKET NO.: 04-26992.001-R-2 through 04-26992.076-R-2 and
05-23266.001-R-2 through 05-23266.076-R-2
PARCEL NO.: See pages 4 through 7.

The parties of record before the Property Tax Appeal Board are 933 West Van Buren Condominium Association, the appellant, by attorneys Allen A. Lefkovitz and Frederick F. Richards III of Chicago, and the Cook County Board of Review.

The subject property consists of a 76 condominium units located in a 180 unit residential condominium building. Sales of the units in the building began in December 2001 and 100% of the units were sold by July 2004. The bulk of the sales occurred in 2003. Prices for the units ranged from \$139,575 to \$641,759 and these units had the percentages of ownership that ranged from .3503% to 1.0042%.

The appellant, through counsel, appeared before the Property Tax Appeal Board claiming: first, 76 of the units are unequally treated in the assessment process; second, the assessments of the 76 units under appeal are excessive when the Illinois Department of Revenue's 2004 three-year median level of assessments of 9.99% is applied to the market values of the properties under appeal; and third, the market values of the units under appeal should be debased further by \$3,000 for personal property. In support, the appellant submitted a brief from its attorney and settlement statements for the 76 units under appeal; a grid sheet reflecting the sales prices, sales dates, assessments, and requested reductions for the 76 units; and a grid sheet reflecting the sales prices, sales dates, assessments and percentages of ownership allocated to each of the 180 units. One of the grid sheets disclosed the sales prices of the 76 units under appeal including an estimate of the percentage the assessments were above or below a 10% level of assessments. The sales prices on this grid were adjusted by \$3,000 for personal property.

Counsel argued that in the prior year the Property Tax Appeal Board erred when it disregarded the practice of the Cook County Board when disallowing a deduction for personal property because personal property was not deducted on the real estate transfer declarations of 35 of the units under appeal. This, counsel

(Continued on Next Page)

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:

SEE PAGES 4 THROUGH 7

Subject only to the State multiplier as applicable.

argued, produced further inequity in the assessments of the properties under appeal. Next counsel argued uniformity comes in the guise of both methodology and uniformity of valuation. Counsel argued the Property Tax Appeal Board should follow the board of review's practice of deducting from the sales prices an allocation for personal property. As to uniformity of assessment, the attorney contends one must examine the property itself to determine whether the subject property is being assessed at the same designated level of assessments as other properties. The appellant's attorney asserted that the subject properties are not assessed with a uniform level of assessments as other properties in the complex.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment for the 76 units under appeal of \$1,919,765 was disclosed. The subject's final assessment reflects a fair market value of \$19,216,867, when the Illinois Department of Revenue's 2004 three-year median level of assessments of 9.99% for Cook County Real Property Assessment Classification Ordinance Class 2 residential properties is applied. In support, the board of review presented a sales analysis for the subject and the testimony of its preparer. The board of review's witness testified the sales analysis consisted of the total of the sales of the entire 180 units in the complex from 2001 through 2004. The total sales were \$50,062,470. Of that amount \$540,000, or approximately 1%, was deducted for personal property. The personal property allowance accordingly is \$3,000 per unit. The allocation of an allowance for personal property, the witness indicated, is the general practice in Cook County when determining assessable market value for condominiums' assessments. Thus, the total adjusted sales amount was \$49,522,470. The board extended the adjusted sales figure by applying the total of the percentages of ownership of the units which sold, or 100%, to conclude a total market value for the subject complex of \$49,522,470. Each unit's percentage of ownership was then applied to the total building value to determine a fair market value for each of the 180 units. The next step was to apply a level of assessments of approximately 10%, which then determined the total assessment for each individual unit. The witness noted in the case of condominiums the value of the building, as a whole, is the determining factor when assessing each unit due to the structure of condominium declarations. The board of review argued that the methodology is equitable and supports the current assessments of the subject parcels.

The parties agreed that when determining an assessable market value for condominiums allocation of approximately 1% to 1.5% of that market value for personal property is the customary methodology utilized by assessment officials in Cook County.

In rebuttal, the appellant's attorney argued when the total of the sale prices for a complex is utilized rather than sales prices of individual units, those individual assessments become

part of a mass appraisal system. It was counsel's contention the appeal process is to test whether the technique applies to all units or not. In addition, he argued, the technique does not apply because the result is some units are over assessed and some are under assessed.

After hearing the testimony and considering the evidence, the Property Tax Appeal Board finds it has jurisdiction over the parties and the subject matter of this appeal. One issue before the Property Tax Appeal Board is the equity of the subject 76 condominium units. The second issue before the Board is the correct market value when comparing the sales price of a unit to the assessed value. 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. Having heard the testimony and considered the evidence, the Board concludes that the appellant has not satisfied this burden.

The Property Tax Appeal Board finds that the appellant's argument the 76 condominium units under appeal are inequitably treated in the assessment process not supported by the evidence and testimony in the record. The board of review's testimony and supporting documentation clearly demonstrated that the same methodology was used to assess all 180 units in the complex. Sales data from unit sales within the complex was accumulated over approximately 30 months. During this time 100% of the units were sold. A personal property allowance was applied to the total of the 180 unit sales, which includes the properties at issue. The same level of assessment was then applied to the resulting adjusted total of sales price, which again, was for all 180 units. Finally, the percentage of ownership of each and every unit was applied back to the adjusted value for all 180 units. The Board finds nothing in the record or testimony indicating inequitable assessing practices of the 76 units under appeal. Further, the Board finds that in reviewing the transfer declarations there is no objective evidence to support any deduction from the reported sales prices for personal property.

The Property Tax Appeal Board finds the appellant's argument that the Department of Revenue's three-year median level of assessments should be separately applied to each of the sales prices for each unit under appeal unpersuasive. The Property Tax finds that the principle of uniformity of taxation requires that similar properties within the same district be assessed on a similar basis. The cornerstone of uniform assessment is the fair cash value of property in question. Furthermore, the constitutional provision for uniformity of taxation and valuation does not require mathematical equality. The requirement is satisfied if the intent is evident to adjust the burden with a reasonable degree of uniformity and if such is the effect of the

statute enacted by the General Assembly establishing the method of assessing real property in its general operation. A practical uniformity, rather than an absolute one is the test. Apex Motor Fuel Co. V Barrett, 20 Ill.2d 395(1960.) The Property Tax Appeal finds that the assessments of the subject properties meet the test of a practical uniformity of assessment and it is clear to the Board that the subject properties are assessed with a reasonable degree of uniformity.

As a result of this analysis, the Property Tax Appeal Board finds the appellants have not adequately demonstrated that the subject dwellings were inequitably assessed by clear and convincing evidence and a no reduction is warranted.

<u>DOCKET NO.</u>	<u>PARCEL NO.</u>	<u>LAND</u>	<u>IMPR.</u>	<u>TOTAL</u>
04-26992.001-R-2	17-17-235-019-1001	\$517	\$32,097	\$32,614
04-26992.002-R-2	17-17-235-019-1003	\$403	\$25,015	\$25,418
04-26992.003-R-2	17-17-235-019-1007	\$432	\$26,831	\$27,263
04-26992.004-R-2	17-17-235-019-1008	\$432	\$26,831	\$27,263
04-26992.005-R-2	17-17-235-019-1009	\$432	\$26,831	\$27,263
04-26992.006-R-2	17-17-235-019-1011	\$412	\$25,605	\$26,017
04-26992.007-R-2	17-17-235-019-1019	\$278	\$17,297	\$17,575
04-26992.008-R-2	17-17-235-019-1020	\$311	\$19,340	\$19,651
04-26992.009-R-2	17-17-235-019-1021	\$512	\$31,780	\$32,292
04-26992.010-R-2	17-17-235-019-1022	\$516	\$32,052	\$32,568
04-26992.011-R-2	17-17-235-019-1023	\$366	\$22,745	\$23,111
04-26992.012-R-2	17-17-235-019-1024	\$402	\$24,970	\$25,372
04-26992.013-R-2	17-17-235-019-1025	\$467	\$29,010	\$29,477
04-26992.014-R-2	17-17-235-019-1026	\$419	\$26,014	\$26,433
04-26992.015-R-2	17-17-235-019-1029	\$431	\$26,786	\$27,217
04-26992.016-R-2	17-17-235-019-1030	\$431	\$26,786	\$27,217
04-26992.017-R-2	17-17-235-019-1043	\$468	\$29,056	\$29,524
04-26992.018-R-2	17-17-235-019-1044	\$468	\$29,056	\$29,524
04-26992.019-R-2	17-17-235-019-1045	\$474	\$29,464	\$29,938
04-26992.020-R-2	17-17-235-019-1046	\$431	\$26,786	\$27,217
04-26992.021-R-2	17-17-235-019-1047	\$432	\$26,831	\$27,263
04-26992.022-R-2	17-17-235-019-1048	\$432	\$26,831	\$27,263
04-26992.023-R-2	17-17-235-019-1049	\$467	\$29,010	\$29,477
04-26992.024-R-2	17-17-235-019-1050	\$474	\$29,419	\$29,893
04-26992.025-R-2	17-17-235-019-1051	\$431	\$26,740	\$27,171
04-26992.026-R-2	17-17-235-019-1052	\$431	\$26,786	\$27,217
04-26992.027-R-2	17-17-235-019-1053	\$431	\$26,786	\$27,217
04-26992.028-R-2	17-17-235-019-1056	\$366	\$22,745	\$23,111
04-26992.029-R-2	17-17-235-019-1059	\$467	\$29,010	\$29,477
04-26992.030-R-2	17-17-235-019-1062	\$388	\$24,107	\$24,495
04-26992.031-R-2	17-17-235-019-1063	\$431	\$26,740	\$27,171
04-26992.032-R-2	17-17-235-019-1064	\$431	\$26,786	\$27,217
04-26992.033-R-2	17-17-235-019-1065	\$431	\$26,786	\$27,217
04-26992.034-R-2	17-17-235-019-1066	\$431	\$26,786	\$27,217
04-26992.035-R-2	17-17-235-019-1069	\$431	\$26,786	\$27,217
04-26992.036-R-2	17-17-235-019-1071	\$412	\$25,560	\$25,972
04-26992.037-R-2	17-17-235-019-1073	\$256	\$15,890	\$16,146

<u>DOCKET NO.</u>	<u>PARCEL NO.</u>	<u>LAND</u>	<u>IMPR.</u>	<u>TOTAL</u>
-------------------	-------------------	-------------	--------------	--------------

Docket No. 04-26992.001-R-2 through 04-26992.076-R-2 and
 05-23266.001-R-2 through 05-23266.076-R-2

04-26992.038-R-2	17-17-235-019-1074	\$269	\$16,707	\$16,976
04-26992.039-R-2	17-17-235-019-1075	\$366	\$22,745	\$23,111
04-26992.040-R-2	17-17-235-019-1077	\$286	\$17,751	\$18,037
04-26992.041-R-2	17-17-235-019-1078	\$286	\$17,751	\$18,037
04-26992.042-R-2	17-17-235-019-1080	\$311	\$19,340	\$19,651
04-26992.043-R-2	17-17-235-019-1081	\$512	\$31,780	\$32,292
04-26992.044-R-2	17-17-235-019-1083	\$366	\$22,745	\$23,111
04-26992.045-R-2	17-17-235-019-1084	\$402	\$24,970	\$25,372
04-26992.046-R-2	17-17-235-019-1087	\$474	\$29,419	\$29,893
04-26992.047-R-2	17-17-235-019-1089	\$388	\$24,107	\$24,495
04-26992.048-R-2	17-17-235-019-1090	\$431	\$26,740	\$27,171
04-26992.049-R-2	17-17-235-019-1092	\$431	\$26,786	\$27,217
04-26992.050-R-2	17-17-235-019-1095	\$431	\$26,786	\$27,217
04-26992.051-R-2	17-17-235-019-1097	\$428	\$26,559	\$26,987
04-26992.052-R-2	17-17-235-019-1099	\$319	\$19,839	\$20,158
04-26992.053-R-2	17-17-235-019-1100	\$256	\$15,890	\$16,146
04-26992.054-R-2	17-17-235-019-1101	\$269	\$16,707	\$16,976
04-26992.055-R-2	17-17-235-019-1102	\$366	\$22,745	\$23,111
04-26992.056-R-2	17-17-235-019-1104	\$286	\$17,751	\$18,037
04-26992.057-R-2	17-17-235-019-1108	\$512	\$31,780	\$32,292
04-26992.058-R-2	17-17-235-019-1111	\$402	\$24,970	\$25,372
04-26992.059-R-2	17-17-235-019-1124	\$428	\$26,559	\$26,987
04-26992.060-R-2	17-17-235-019-1126	\$319	\$19,839	\$20,158
04-26992.061-R-2	17-17-235-019-1127	\$256	\$15,890	\$16,146
04-26992.062-R-2	17-17-235-019-1128	\$269	\$16,707	\$16,976
04-26992.063-R-2	17-17-235-019-1129	\$366	\$22,745	\$23,111
04-26992.064-R-2	17-17-235-019-1131	\$286	\$17,751	\$18,037
04-26992.065-R-2	17-17-235-019-1135	\$512	\$31,780	\$32,292
04-26992.066-R-2	17-17-235-019-1136	\$516	\$32,052	\$32,568
04-26992.067-R-2	17-17-235-019-1137	\$366	\$22,745	\$23,111
04-26992.068-R-2	17-17-235-019-1138	\$402	\$24,970	\$25,372
04-26992.069-R-2	17-17-235-019-1139	\$467	\$29,010	\$29,477
04-26992.070-R-2	17-17-235-019-1151	\$428	\$26,559	\$26,987
04-26992.071-R-2	17-17-235-019-1154	\$256	\$15,890	\$16,146
04-26992.072-R-2	17-17-235-019-1155	\$269	\$16,707	\$16,976
04-26992.073-R-2	17-17-235-019-1156	\$366	\$22,745	\$23,111
04-26992.074-R-2	17-17-235-019-1157	\$367	\$22,790	\$23,157
04-26992.075-R-2	17-17-235-019-1161	\$311	\$19,340	\$19,651
04-26992.076-R-2	17-17-235-019-1167	\$700	\$43,448	\$44,148

DOCKET NO.	PARCEL NO.	LAND	IMPR.	TOTAL
05-23266.001-R-2	17-17-235-019-1001	\$517	\$32,097	\$32,614
05-23266.002-R-2	17-17-235-019-1003	\$403	\$25,015	\$25,418
05-23266.003-R-2	17-17-235-019-1007	\$432	\$26,831	\$27,263
05-23266.004-R-2	17-17-235-019-1008	\$432	\$26,831	\$27,263
05-23266.005-R-2	17-17-235-019-1009	\$432	\$26,831	\$27,263
05-23266.006-R-2	17-17-235-019-1011	\$412	\$25,605	\$26,017
05-23266.007-R-2	17-17-235-019-1019	\$278	\$17,297	\$17,575
05-23266.008-R-2	17-17-235-019-1020	\$311	\$19,340	\$19,651
05-23266.009-R-2	17-17-235-019-1021	\$512	\$31,780	\$32,292
DOCKET NO.	PARCEL NO.	LAND	IMPR.	TOTAL
05-23266.010-R-2	17-17-235-019-1022	\$516	\$32,052	\$32,568
05-23266.011-R-2	17-17-235-019-1023	\$366	\$22,745	\$23,111

Docket No. 04-26992.001-R-2 through 04-26992.076-R-2 and
05-23266.001-R-2 through 05-23266.076-R-2

05-23266.012-R-2	17-17-235-019-1024	\$402	\$24,970	\$25,372
05-23266.013-R-2	17-17-235-019-1025	\$467	\$29,010	\$29,477
05-23266.014-R-2	17-17-235-019-1026	\$419	\$26,014	\$26,433
05-23266.015-R-2	17-17-235-019-1029	\$431	\$26,786	\$27,217
05-23266.016-R-2	17-17-235-019-1030	\$431	\$26,786	\$27,217
05-23266.017-R-2	17-17-235-019-1043	\$468	\$29,056	\$29,524
05-23266.018-R-2	17-17-235-019-1044	\$468	\$29,056	\$29,524
05-23266.019-R-2	17-17-235-019-1045	\$474	\$29,464	\$29,938
05-23266.020-R-2	17-17-235-019-1046	\$431	\$26,786	\$27,217
05-23266.021-R-2	17-17-235-019-1047	\$432	\$26,831	\$27,263
05-23266.022-R-2	17-17-235-019-1048	\$432	\$26,831	\$27,263
05-23266.023-R-2	17-17-235-019-1049	\$467	\$29,010	\$29,477
05-23266.024-R-2	17-17-235-019-1050	\$474	\$29,419	\$29,893
05-23266.025-R-2	17-17-235-019-1051	\$431	\$26,740	\$27,171
05-23266.026-R-2	17-17-235-019-1052	\$431	\$26,786	\$27,217
05-23266.027-R-2	17-17-235-019-1053	\$431	\$26,786	\$27,217
05-23266.028-R-2	17-17-235-019-1056	\$366	\$22,745	\$23,111
05-23266.029-R-2	17-17-235-019-1059	\$467	\$29,010	\$29,477
05-23266.030-R-2	17-17-235-019-1062	\$388	\$24,107	\$24,495
05-23266.031-R-2	17-17-235-019-1063	\$431	\$26,740	\$27,171
05-23266.032-R-2	17-17-235-019-1064	\$431	\$26,786	\$27,217
05-23266.033-R-2	17-17-235-019-1065	\$431	\$26,786	\$27,217
05-23266.034-R-2	17-17-235-019-1066	\$431	\$26,786	\$27,217
05-23266.035-R-2	17-17-235-019-1069	\$431	\$26,786	\$27,217
05-23266.036-R-2	17-17-235-019-1071	\$412	\$25,560	\$25,972
05-23266.037-R-2	17-17-235-019-1073	\$256	\$15,890	\$16,146
05-23266.038-R-2	17-17-235-019-1074	\$269	\$16,707	\$16,976
05-23266.039-R-2	17-17-235-019-1075	\$366	\$22,745	\$23,111
05-23266.040-R-2	17-17-235-019-1077	\$286	\$17,751	\$18,037
05-23266.041-R-2	17-17-235-019-1078	\$286	\$17,751	\$18,037
05-23266.042-R-2	17-17-235-019-1080	\$311	\$19,340	\$19,651
05-23266.043-R-2	17-17-235-019-1081	\$512	\$31,780	\$32,292
05-23266.044-R-2	17-17-235-019-1083	\$366	\$22,745	\$23,111
05-23266.045-R-2	17-17-235-019-1084	\$402	\$24,970	\$25,372
05-23266.046-R-2	17-17-235-019-1087	\$474	\$29,419	\$29,893
05-23266.047-R-2	17-17-235-019-1089	\$388	\$24,107	\$24,495
05-23266.048-R-2	17-17-235-019-1090	\$431	\$26,740	\$27,171
05-23266.049-R-2	17-17-235-019-1092	\$431	\$26,786	\$27,217
05-23266.050-R-2	17-17-235-019-1095	\$431	\$26,786	\$27,217
05-23266.051-R-2	17-17-235-019-1097	\$428	\$26,559	\$26,987
05-23266.052-R-2	17-17-235-019-1099	\$319	\$19,839	\$20,158
05-23266.053-R-2	17-17-235-019-1100	\$256	\$15,890	\$16,146
05-23266.054-R-2	17-17-235-019-1101	\$269	\$16,707	\$16,976
05-23266.055-R-2	17-17-235-019-1102	\$366	\$22,745	\$23,111
05-23266.056-R-2	17-17-235-019-1104	\$286	\$17,751	\$18,037
05-23266.057-R-2	17-17-235-019-1108	\$512	\$31,780	\$32,292
05-23266.058-R-2	17-17-235-019-1111	\$402	\$24,970	\$25,372
05-23266.059-R-2	17-17-235-019-1124	\$428	\$26,559	\$26,987
05-23266.060-R-2	17-17-235-019-1126	\$319	\$19,839	\$20,158
05-23266.061-R-2	17-17-235-019-1127	\$256	\$15,890	\$16,146
DOCKET NO.	PARCEL NO.	LAND	IMPR.	TOTAL
05-23266.062-R-2	17-17-235-019-1128	\$269	\$16,707	\$16,976
05-23266.063-R-2	17-17-235-019-1129	\$366	\$22,745	\$23,111
05-23266.064-R-2	17-17-235-019-1131	\$286	\$17,751	\$18,037

Docket No. 04-26992.001-R-2 through 04-26992.076-R-2 and
05-23266.001-R-2 through 05-23266.076-R-2

05-23266.065-R-2	17-17-235-019-1135	\$512	\$31,780	\$32,292
05-23266.066-R-2	17-17-235-019-1136	\$516	\$32,052	\$32,568
05-23266.067-R-2	17-17-235-019-1137	\$366	\$22,745	\$23,111
05-23266.068-R-2	17-17-235-019-1138	\$402	\$24,970	\$25,372
05-23266.069-R-2	17-17-235-019-1139	\$467	\$29,010	\$29,477
05-23266.070-R-2	17-17-235-019-1151	\$428	\$26,559	\$26,987
05-23266.071-R-2	17-17-235-019-1154	\$256	\$15,890	\$16,146
05-23266.072-R-2	17-17-235-019-1155	\$269	\$16,707	\$16,976
05-23266.073-R-2	17-17-235-019-1156	\$366	\$22,745	\$23,111
05-23266.074-R-2	17-17-235-019-1157	\$367	\$22,790	\$23,157
05-23266.075-R-2	17-17-235-019-1161	\$311	\$19,340	\$19,651
05-23266.076-R-2	17-17-235-019-1167	\$700	\$43,448	\$44,148

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.



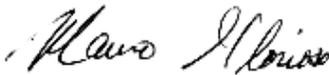
Chairman



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: March 20, 2009



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

Docket No. 04-26992.001-R-2 through 04-26992.076-R-2 and
05-23266.001-R-2 through 05-23266.076-R-2

"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.