PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Carlos Martinez
DOCKET NO.: 05-23329.001-R-1
PARCEL NO.: 15-02-115-042-0000

The parties of record before the Property Tax Appeal Board (PTAB) are Carlos Martinez, the appellant, by attorney Scott M. Shudnow of Shudnow & Shudnow, Ltd. of Chicago and the Cook County Board of Review (board).

The record discloses the subject property consists of a 44-year-old two-story, masonry, class 2-11, six unit apartment building containing approximately 3,510 square feet of building area. The property is located in Proviso Township and includes six bathrooms, a basement recreation room and no garage.

The appellant, through counsel, filed an appeal before the Property Tax Appeal Board and submitted a recent appraisal suggesting that the fair market value of the subject property is not accurately reflected in its assessed valuation.

The market value estimate of $275,000, offered by the appellant, was developed from a residential appraisal with an effective date of January 1, 2005. The appraisal contained the cost approach, income approach and the sales comparison approach to value.

In the appraisal's cost approach, the appraiser estimated the land value to be $175,000. The appraiser estimated the replacement cost of the depreciated improvements including site improvements to be $71,475. The appraiser estimated the land value to be $175,000 and arrived at a total value under the cost approach of $246,475.

The next approach developed by the appellant's appraiser was the sales comparison approach. The appraiser used three comparable class 2-11 sales that contained five or six rental units each with ages ranging from 41 to 49 years. The comparables sold between May 2002 and August 2005 for prices ranging from $405,000 to $485,000. Having considered the market conditions and having made various adjustments for the comparable sales, the appraiser was of the opinion that the subject property had a market value

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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:	$ 3,960
IMPR.	$22,907
TOTAL:	$26,867

Subject only to the State multiplier as applicable.

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of $101.14 per square foot of building area or a rounded figure of $355,000 for the sales comparison approach to value.

The next approach developed by the appellant's appraiser was the income approach to value. The appraiser's rental analysis resulted in a gross monthly rental income of $4,165 or an annual income of $49,980, less $2,499 for lost collection and vacancy. The effective gross annual income resulted in $47,481 less forecasted expenses & replacement reserves of $32,500 resulted in an annual income of $14,981. The appraiser developed an overall rate of 7% resulting in a market value of $214,014 based on the income approach to value.

In reconciling the three approaches to value, the appellant's appraiser claimed the property has not been updated and estimated that the subject had a market value of $275,000 as of January 1, 2005.

Based on this evidence, the appellant argued that the subject's current assessment be revised and that the proper level of assessment for Cook County class 2 property be applied to the subject.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final improvement assessment of $35,761, or $10.19 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 quarter mile of the subject. The comparables consist of two-story, six-unit buildings of masonry construction. The comparables range in age from 42 to 44 years and have full finished basements. They have six or eight bathrooms and no garages. The comparable properties contain 3,510 square feet of building area with improvement assessments ranging from $35,416 to $36,635 or from $10.09 to $10.44 per square foot of building area. Based on this evidence, the board of review requested confirmation of the subject property's assessment.

After considering the evidence and reviewing the record, the Property Tax Appeal Board 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. *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). Having reviewed the record and considered the evidence presented, the Board concludes that the appellant has satisfied this burden.

The PTAB reviewed the appellant's appraisal containing the sales comparison approach, the income approach and the cost approach to

value. The board did not provide an appraisal report. The Board finds the best evidence of value is the appellant's appraisal.

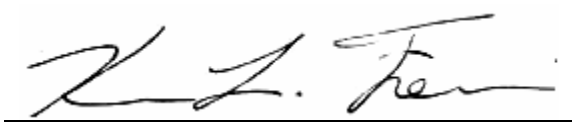
The PTAB finds that the best evidence of market value is the appellant’s appraisal approach to value. Having considered all the evidence the Board finds the subject property had a market value of $275,000, as of the assessment 2005 date.

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 board's equity argument.

Utilizing the Department or Revenue's 2005 three-year median level of assessments for Cook County Class 2 property of 9.77%, the subject’s market value found herein should reflect a total assessment of $26,867. Since the current total assessment of $39,721, is greater than the assessment warranted by the subject’s market value, a reduction is appropriate.

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



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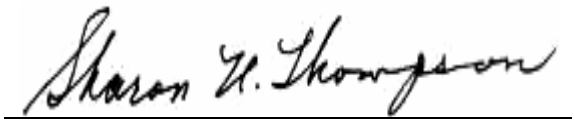
Member



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.