FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: George Tavoularis Claremont Holdings
DOCKET NO.: 05-24304.001-R-1
PARCEL NO.: 14-31-109-006-0000

The parties of record before the Property Tax Appeal Board are George Tavoularis Claremont Holdings, the appellant(s), by attorney Lisa A. Marino, of Marino & Assoc., PC of Chicago; and the Cook County Board of Review.

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:	$ 5,760
IMPR.:	$ 30,542
TOTAL:	$ 36,302

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is a 3,000 square foot parcel of land improved with a 105-year old, two-story, frame, multi-family dwelling containing 2,102 square feet of living area and two baths. The appellant argued both that the subject property is not equitably assessed and that the subject property's assessment does not accurately reflect the market value as the bases of the appeal.

In support of the equity argument, appellant, via counsel, submitted descriptions and assessment information on a total of four properties suggested as comparable and located within four blocks of the subject. The properties are described as two-story, frame, masonry, or frame and masonry, multi-family dwellings with one and one-half or two baths, and, for three properties, a full basement with one finished. The properties range: in age from 105 to 113 years; in size from 1,596 to 2,772

square feet of living area; and in improvement assessment from $7.99 to $13.18 per square foot of living area.

In addition, the appellant submitted information on the income and vacancy for the subject which included copies of the subject's Schedule E for 2003 and 2004; copies of the subject's 2005 operating statement; and a copy of an affidavit from the property's authorized office stating the documents are accurate. The appellant's attorney utilized this information to calculate a net operating income and capitalization rate for the subject. Based on this 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 improvement assessment of $30,542 or $14.53 per square foot of living area was disclosed. The total assessment of $36,302 yields a market value of $226,888 using the Ordnance level of 16% for Cook County class 2 properties. In support of the assessment, the board of review presented descriptions and assessment information on a total of four properties suggested as comparable and located within the subject's neighborhood. The properties are described as two-story, frame, multi-family dwellings with two baths, air conditioning for one property, and for another property, a partial, unfinished basement. The properties range: in age from 105 to 116 years; in size from 1,806 to 2,106 square feet of living area; and in improvement assessments from $16.77 to $19.15 per square foot of living area. Based on this evidence, 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 that it has jurisdiction over the parties and the subject matter of this appeal.

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). After an analysis of the assessment data, the Board finds the appellant has not overcome this burden.

Both parties presented a total of eight properties suggested as comparables. The Board finds the board of review's comparables are the most similar to the subject in design, exterior construction, size, and age. These comparables received the greatest weight in the Board's analysis. The properties are two-story, frame, multi-family dwellings located within the subject's neighborhood. The properties range: in age from 105 to 116 years; in size from 1,806 to 2,106 square feet of living area; and in improvement assessments from $16.77 to $19.15 square feet of living area. In comparison, the subject's improvement

assessment of $14.53 per square foot of living area is below the range created by these comparables. 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 and a reduction in the subject's assessment is not warranted.

As to the market value argument, the appellant submitted documentation showing the income of the subject property. The PTAB gives the appellant's argument little weight. In Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970), the court stated:

> [I]t is the value of the "tract or lot of real property" which is assessed, rather than the value of the interest presently held. . . [R]ental income may of course be a relevant factor. However, it cannot be the controlling factor, particularly where it is admittedly misleading as to the fair cash value of the property involved. . . [E]arning capacity is properly regarded as the most significant element in arriving at "fair cash value".

Many factors may prevent a property owner from realizing an income from property that accurately reflects its true earning capacity; but it is the capacity for earning income, rather than the income actually derived, which reflects "fair cash value" for taxation purposes. Id. at 431.

Actual expenses and income based on vacancy can be useful when shown that they are reflective of the market. Although the appellant's attorney made this argument, the appellant did not demonstrate through an expert in real estate valuation that the subject's actual income and expenses are reflective of the market. To demonstrate or estimate the subject's market value using income, 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 reflective of the market and the property's capacity for earning income. The appellant did not provide such evidence and, therefore, the PTAB gives this argument no weight and finds that 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

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: November 25, 2009

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.