



**FINAL ADMINISTRATIVE DECISION  
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Anthony J. Trela  
DOCKET NO.: 05-25225.001-R-1 through 05-25225.002-R-1  
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Anthony J. Trela, the appellant(s), by attorney John P. Fitzgerald, of John P. Fitzgerald, Ltd of Chicago; and the Cook County Board of Review.

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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
05-25225.001-R-1	24-01-300-062-0000	4,176	1,442	\$5,618
05-25225.002-R-1	24-01-300-063-0000	4,176	1,442	\$5,618

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a 5,802 square foot parcel improved with a 59-year-old, one-story style mixed-use residential-commercial building of masonry construction. The subject features one apartment, two storage areas and two commercial units.

The appellant, through counsel, submitted evidence before the Property Tax Appeal Board that the subject's market value is not accurately reflected in its assessment. In support of this argument, the appellant offered a limited appraisal summary report prepared by Mario Minkovic of Property Valuation Services L.L.C, Chicago. The appraisal revealed that Minkovic is a State of Illinois certified general appraiser.

The appraisal disclosed that Minkovic inspected the interior and exterior of the subject on October 10, 2005. Further, the

appraisal revealed the subject was appraised as fee simple; and its highest and best use as improved is its current use. To estimate a value for the subject of \$115,000 as of January 1, 2005, the appraiser utilized the sales comparison approach to value.

When preparing the sales comparison approach to value, the appraiser employed the sales of four properties located in the subject's general area. The comparables are one or two story mixed use buildings of masonry construction built from 1907 to 1963. The comparables range in building size from 3,172 to 6,700 square feet; in land size from 3,125 to 20,000 square feet; in land to building ratio from 0.82:1 to 3:50:1. These properties sold from January 2002 to July 2003 for prices ranging from \$140,000 to \$242,000, or from \$36.12 to \$51.55 per square foot of building area.

The appraiser adjusted the comparables for variables such as size, property rights conveyed, financing terms, conditions of sale, market conditions, location, physical characteristics, and economic characteristics. Based on the adjusted sales comparables, the appraiser estimated a unit value of \$47.50 per square foot of building area, or \$115,000, rounded, as an indicated value for the subject through the sales comparison approach to value. As this was a limited appraisal based solely on the sales comparison approach to value, the appraiser's final estimate of value for the subject was \$115,000, as January 1, 2005.

The appellant requested a reduction of the subject's total assessment reflective of the appraiser's estimated value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$23,580 was disclosed. This assessment reflects a market value of \$241,351 when the Illinois Department of Revenue's 2005 three-year median level of assessment of 09.77% for Cook County Class 2 properties is applied. In support of the subject's assessment, the board of review offered property characteristic sheets, photographs, and a spreadsheet detailing three suggested comparable properties located in the same coded assessment neighborhood as the subject. The comparables consist of one or two story style mixed use properties masonry or frame and masonry construction from 53 to 78 years old. Each of the comparables contains two apartments and one commercial unit. These properties range in size from 1,716 to 2,124 square feet of building area and have improvement assessments ranging from \$12.27 to \$14.20 per square foot of building area; land assessments ranging from \$3,408 to \$15,400; and total assessment ranging from \$30,584 to \$39,763. Based on this evidence, the board of review requested confirmation of the subject property'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 appellant's argument was that the subject's assessment is not reflective of its market value.

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 (3<sup>rd</sup> Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 728 N.E.2d 1256 (2<sup>nd</sup> 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 considered the evidence presented, the Board concludes that the appellant has overcome this burden and a reduction is warranted.

The Property Tax Appeal Board finds that the appellant submitted a limited appraisal summary report utilizing the sales of four properties similar in many aspects to the subject. The Board finds that the appraiser's utilized appropriate techniques when adjusting the comparable sales. The Board finds that the appellant's appraisal is the most credible evidence in the record of the subject's market value as of January 1, 2005 and accords the appraisal primary and substantial weight.

Further, the Board finds that the board of review did not address the appellant's contention that the subject's market value is not reflected in its assessment. To the contrary, the board submitted equity comparables that have little similarity to the subject. The Board accords the board of review's evidence diminished weight. The Board also finds that the board of review failed to refute the appellant's contention that the appellant's January 1, 2005 appraisal is indicative of the subject's fair market value as of January 1, 2005.

Therefore, the Property Tax Appeal Board finds that the appellant has met the burden of proving the value of the subject property by a preponderance of the evidence. Further the Board finds that the subject had a fair market value of \$115,000 as of January 1, 2005. As the subject's market value has been found herein, the Board finds that the Illinois Department of Revenue's 2005 three-year median level of assessment of 09.77 % shall apply and finds that a reduction of the subject's assessment is appropriate.

Lbs/09

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.

*Ronald R. Cuit*

Chairman

*K. L. Fern*

Member

*Frank A. Huff*

Member

*Mario Morris*

Member

*Shawn R. Lerbis*

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

*Allen Castrovillari*

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.