

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Grace Sergio  
DOCKET NO.: 05-25774.001-C-1 thru 05-25774.003-C-1  
PARCEL NO.: 12-24-202-005-0000 thru 12-24-202-007-0000

The parties of record before the Property Tax Appeal Board (PTAB) are Grace Sergio, the appellant, by attorney Melissa K. Whitley of Marino & Associates, PC of Chicago the Cook County Board of Review (board).

The subject property consists of a 36-year-old, one-story, class 5-17 commercial building of masonry construction containing 5,446 square feet of building area located in Jefferson Township, Cook County. The commercial property is located on 12,500 square feet of land.

The appellant's counsel appeared before the PTAB and submitted evidence claiming unequal treatment in the assessment process as the basis of the appeal. In support of this argument, the appellant offered three suggested comparable properties located within a quarter mile of the subject. These properties consist of one-story, class 5-17 commercial buildings. The appellant did not supply the comparables' building area or construction materials. The comparables have total assessments ranging from \$109,985 to \$114,365 and the corresponding 2005 tax amounts issued to the appellant's property and the three comparables. The subject's tax bill was \$25,880.63 while the suggested comparables were issued tax bills ranging from \$17,790.51 to \$18,498.99. Based on comparable tax bills payable in 2006, the appellant requested the comparables' average real estate tax of \$18,242.67, resulting in a total 2005 assessment of \$112,780. The appellant, by affidavit, disclosed the property was purchased in August of 2005 and that the subject was vacant as of the purchase date with no further income in 2005. The appellant also testified via affidavit that the improvements were wrecked in October of 2005. The appellant requested a vacancy rate of 33% for 2005. Based on this evidence, the appellant requested a reduction in the subject's assessment.

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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:

DOCKET NO.	PROPERTY NO.	LAND	IMPR.	TOTAL
05-25774.001-C-1	12-24-202-005	\$19,000	\$ 757	\$19,757
05-25774.002-C-1	12-24-202-006	\$ 9,500	\$58,253	\$67,753
05-25774.003-C-1	12-24-202-007	\$ 9,500	\$62,990	\$72,490

Subject only to the State multiplier as applicable.

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The board of review submitted "Board of Review-Notes on Appeal" that disclosed the subject's total assessment of \$160,000 which reflects a market value of \$421,052 or \$77.31 per square foot as factored by a corresponding Cook County Ordinance level of 38%. The board submitted market evidence in support of its assessed valuation of the subject property. As evidence, the board offered seven sales of class 5-17 commercial properties ranging in age from nine to 52 years and containing between 3,000 and 5,000 square feet of building area. The sales occurred between September 2001 and December 2006 for prices ranging from \$269,000 to \$800,000 or from \$76.42 to \$205.23 per square foot of land and building. The board disclosed subject was purchased in August 2005 for \$1,150,000. No analysis and adjustment of the sales data was provided by the board. Based on this evidence, the board of review requested confirmation of the subject property's assessment.

After hearing the testimony 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). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellant has failed to overcome this burden.

The appellant submitted four comparables as properties similar to the subject. The PTAB finds necessary descriptive information is lacking for the comparables to determine comparability such as square foot of building area and construction materials. The subject differs considerably from the comparables in age. The PTAB finds the tax bills issued against the subject and the four comparables is a very weak equity argument because final tax bills are subject to many possible variables applied prior to assessment equalization. The PTAB finds this evidence insufficient to effect a change in the subject's assessment.

The PTAB finds the fact that the subject property was not fully occupied during 2005 does not demonstrate the subject was not equitability assessed. Additionally, there was no showing that the subject's market value was impacted by its vacancy during 2005. The subject was purchased in June 2005 for \$1,150,000, and factoring this sale at 38% would result in an assessment of \$437,000. Finally, there was no showing by the appellant that the Cook County assessment officials had any type of policy of adjusting the assessment of residential property because of vacancy. For these reasons the Property Tax Appeal Board gives little weight to this portion of the appellant's argument.

The PTAB gives little weight to the board's sales evidence because it lacks analysis and a supported conclusion of value.

One sale is beyond the assessment date. The appeal is assessment equity and not sales comparisons.

After considering the data submitted by both parties the PTAB finds the evidence is insufficient to effect a change in the subject's assessment.

As a result of this analysis, the PTAB finds the appellant did not adequately demonstrate that the subject apartment building was inequitably assessed by clear and convincing evidence and 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: August 29, 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.