



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

APPELLANT: Dat Vo
DOCKET NO.: 06-22260.001-R-1
PARCEL NO.: 15-10-105-037-0000

The parties of record before the Property Tax Appeal Board are Dat Vo, the appellant, by attorney Robert J. Paul in 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:

LAND: \$ 7,392
IMPR: \$ 36,608
TOTAL: \$ 44,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 6,600 square feet of land improved with an 88-year old, part one-story and part two-story, masonry building with a mixed-use of two storefront commercial units and two residential apartments. The building contains 5,505 square feet of building area. The subject's site includes eight parking spaces and is located in Melrose Park.

The appellant argued that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellant submitted a summary appraisal report of the subject property with an effective date of January 1, 2006 undertaken by Bruce Linderman, who holds the designation of Associate Real Estate Appraiser as well as Michael Halliburton and Gary Peterson, who each hold the designation of Certified General Real Estate Appraiser. In addition, Mr. Peterson holds the designation of Member of the Appraisal Institute. The appraisers estimated a market value for the subject of \$275,000, while developing the sales comparison approach to value.

As to the subject, the appraisers indicated that the subject consists of a rectangular-shaped, interior, land parcel with an improved containing 5,505 square feet of building area. The appraisal stated that the subject was occupied by two commercial businesses as well as two apartment units. The appraisers noted that the ground floor contained 3,535 square feet of gross building area, while the second floor contained 1,970 square feet of rentable area. The subject was identified as being in overall average physical condition. The appraisers personally inspected the subject on September 29, 2006. In addition, the appraisal included copies of the building's floor plan, photographs of the subject and the suggested comparables, and an area map depicting the location of the comparables and the subject. The appraisers estimated the subject's economic life to be 75 years and an effective age of 10 years with a remaining economic life at 65 years.

In developing the subject's highest and best use, the appraisers concluded that the highest and best use as vacant would be for commercial development in conformance with zoning and neighborhood demand, while the highest and best use as improved was for its current use.

Under the sales comparison approach to value, the appraisers utilized six sale comparables located within close proximity to the subject. The comparables sold from May, 2003, through August, 2005, for prices that ranged from \$110,000 to \$420,000, or from \$26.04 to \$51.03 per square foot. The properties were improved with a two-story, masonry, mixed-use building, while the appraisers determined that they were either of average or poor condition. The properties ranged: in age from 30 to 103 years; in improvement size from 2,200 to 10,000 square feet of building area; and in land size from 3,120 to 6,250 square feet of land. Each property ranged in mixed use units from one commercial and one residential to two commercial and four residential. In addition, sales #2 through #6 contained on-site parking that ranged from two to ten spaces. After making adjustments to the suggested comparables, the appraisers estimated the subject's market value was \$275,000, rounded, or \$50.00 per square foot of building area. Based upon this data, the appellant requested a reduction in the subject's market value.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$53,000 for tax year 2006. The subject's assessment reflects a market value of \$331,250 using the Cook County Ordinance level of assessment for mixed use, commercial/residential property of 16%.

The board also submitted descriptive and assessment data on three suggested equity comparables. These properties ranged in land size from 3,300 to 3,947 square feet. They were improved with a three-story, frame and masonry building. The improvements ranged: in age from 92 to 119 years; in units from three residential and one commercial to four residential and one commercial; in size from 3,300 to 4,036 square feet of building

area; and in improvements assessments from \$7.67 to \$10.43 per square foot of building area. Amenities include a partial basement, while property #3 also included a one and one half-car garage. The subject contains an improvement assessment of \$6.85 per square foot of building area. As a result of its analysis, the board requested confirmation of the subject's assessment.

After considering the arguments and reviewing the evidence, 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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331Ill.App.3d 1038 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd 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. 86 Ill.Admin.Code 1910.65(c). Having considered the evidence presented, the Board concludes that the appellant has met this burden and that a reduction is warranted.

In determining the fair market value of the subject property, the Board finds the best evidence to be the appellant's appraisal. The Board finds this appraisal to be persuasive for the appraisers personally inspected the subject property and utilized market data to obtain improved sale comparables while providing sufficient detail regarding each sale as well as appropriate adjustments where necessary.

Moreover, the Board finds that the board of review's evidence fails to include market data in support of the subject's valuation.

Therefore, the Board finds that the subject property contained a market value of \$275,000 for tax year 2006. Since the market value of the subject has been established, the Cook County Ordinance level of assessment for mixed use, commercial/residential property of 16% will apply. In applying this level of assessment to the subject, the total assessed value is \$44,000, while the subject's current total assessed value is above this amount at \$53,000. Therefore, the Board finds that a reduction is 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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Shawn P. Loras

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 19, 2011

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.