

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Vito Falco  
DOCKET NO.: 06-25323.001-C-1 & 06-25323.002-C-1  
PARCEL NO.: 19-01-111-042-0000 & 19-01-111-043-0000

The parties of record before the Property Tax Appeal Board are Vito Falco, the appellant, by attorney Howard W. Melton of Howard W. Melton & Associates of Chicago and the Cook County Board of Review.

The subject property consists of a 48-year-old, one-story, masonry constructed, 2,000 square foot restaurant/bar and 3,400 square feet of storage building situated on 8,375 square feet of land located in Lake Township Cook County.

The appellant, through counsel, appeared before the PTAB and submitted evidence claiming that the subject's market value is not accurately reflected in its assessment. This evidence was timely filed by the appellant pursuant to the Official Rules of the Property Tax Appeal Board.

In support of this argument the appellant submitted an appraisal dated January 1, 2006 containing the sales approach to value and concluding with a market value of \$160,000.

In the sales approach the appraiser used five commercial building sales ranging in size from 3,800 to 8,800 square feet that occurred between February 2002 and June 2003 for prices ranging from \$108,000 to \$200,000 or from \$22.73 to \$30.00 per square foot. The comparables range in age from 47 to 82 years. After standard adjustments to \$28.00 to \$32.00 per square foot the appraiser arrived at a market value of \$30.00 per square foot or a rounded value of \$160,000 via the sales comparison approach.

Based upon this evidence, the appellant requested a reduction in the subject's total assessment to reflect the reduced market value.

In rebuttal the board argued the appellant's comparables are scattered around Chicago's south side and the sales are not recent.

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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:

<u>DOCKET NO.</u>	<u>PROPERTY NO.</u>	<u>LAND</u>	<u>IMPR.</u>	<u>TOTAL</u>
06-25323.001-C-1	19-01-111-042	\$ 6,531	\$30,503	\$37,034
06-25323.002-C-1	19-01-111-043	\$10,972	\$27,994	\$38,966

Subject only to the State multiplier as applicable.

PTAB/TMcG. 12/08

The board of review submitted "Board of Review-Notes on Appeal" that disclosed the subject's total assessment of \$94,775 which reflects a market value of \$249,407 as factored by the Cook County Ordinance level of 38%. The board submitted sales evidence of five properties located within one quarter mile to one and one half miles of the subject in support of its assessed valuation of the subject property. As evidence the board offered eight sales of commercial buildings ranging in size from 3,400 to 6,250 square feet and in age from 40 to 84 years that occurred between September 2001 and December 2007 for prices ranging from \$280,000 to \$1,200,000 or from \$58.44 to \$206.90 per square foot of land and building. No analysis and adjustment of the sales data was provided by the board.

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.

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)*.

The PTAB finds that the appellant has met this burden and has submitted an analyzed conclusion of market value. But the PTAB must consider the fact that the appellant's comparables are not as local as are the board's comparables and some of the board's sales are more recent sales. The board submitted seven sales within a quarter mile to one and one half miles of the subject which were not used by the appellant. Therefore the PTAB gives less weight to the appellant's sales data. The appellant's appraisal indicates that the subject property was valued at \$160,000, however considering the board's sales data the PTAB finds the subject's market value to be \$200,000. Since the market value of the subject has been established, the Cook County Class 5a property assessment of 38% will apply. The subject's total assessment should not be in excess of \$76,000, while the subject's current total assessment is at \$94,775.

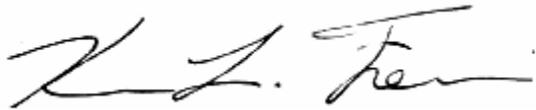
The PTAB gives less weight to the board's sales evidence because it lacks analysis and a supported conclusion of value. One sale was beyond the assessment date.

As a result of this analysis, the PTAB finds that the appellant has adequately demonstrated that the subject property was overvalued and that a reduction in the subject's assessment 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.



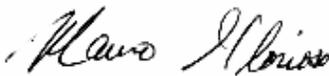
Chairman



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: December 19, 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.