



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

APPELLANT: Celeste Mosher
DOCKET NO.: 06-26511.001-R-1
PARCEL NO.: 13-27-316-001-0000

The parties of record before the Property Tax Appeal Board are Celeste Mosher, the appellant, by attorney Michael Elliott of Elliott & Associates, P.C. in Des Plaines; 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: \$ 8,880
IMPR.: \$ 14,902
TOTAL: \$ 23,782

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a mixed-use building of masonry construction that is 79 years old. The building is primarily one-story but is also part two-story. The building contains 5,724 square feet of building area, a commercial unit, an apartment unit, and a partial unfinished basement. The subject has a classification code of 2-12 under the Cook County Real Property Assessment Classification Ordinance, and it is located in Chicago, Jefferson Township, Cook County.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of the overvaluation argument, the appellant submitted an appraisal report in which a market value of \$235,000 was estimated for the subject property as of January 1, 2006. According to the appraiser, the subject property has 5,724 square feet of building area. The first floor has 4,599 square feet being used by an auto repair shop, and the second floor has an apartment with 1,125 square feet. The appraiser developed the sales comparison approach in order to estimate the market value of the subject property. The appraiser considered five comparable properties that sold from April 2003 to December 2004 for prices that ranged from \$149,000 to \$340,000. Two of the comparable properties are one-story masonry buildings; one is

two-story; and two are part one-story and part two-story. One of the buildings is eight years old; two buildings are 87 and 97 years old; and the actual age of the remaining two comparable sales was not disclosed. The buildings range in size from 4,600 to 8,250 square feet of building area, and their per square foot price ranged from \$26.61 to \$41.21. After identifying differences between the comparable properties and the subject, the appraiser came to the conclusion that the subject property's per square foot price was at the high end of this range, or \$41.00 per square foot. The appraiser estimated a market value of \$235,000 for the subject property.¹ The appellant's counsel requested that the 10% median level of assessments on class 2 property in Cook County be applied to the appraiser's finding of market value and that the subject's total assessment be reduced to \$23,500.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$54,536 was disclosed. The subject's assessment reflects a market value of \$538,893 or \$94.15 per square foot of building area, land included, using the 2006 three-year median level of assessments for Cook County Real Property Assessment Classification Ordinance Class 2 property of 10.12% as determined by the Illinois Department of Revenue. (86 Ill.Admin.Code 1910.59(c)(2)).

The board of review presented no market value evidence. Instead, the board of review presented descriptions and assessment information on three comparable properties consisting of two-story masonry buildings that have the same assigned neighborhood and classification codes as the subject. The buildings range in age from 27 to 63 and in size from 3,342 to 5,384 square feet of building area. These properties have improvement assessments ranging from \$8.58 to \$12.52 per square foot of building area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant's attorney noted that two of the comparables submitted by the board of review were much smaller than the subject property.

After reviewing the record and considering the evidence, the Board finds it has jurisdiction over the parties and the subject matter of the appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). Proof of market value may consist of an appraisal of the subject property, a recent sale of the subject property or comparable sales. (86 Ill.Admin.Code

¹ 5,724 x \$41.00 = \$234,684, which was rounded up to \$235,000

1910.65(c)). After an analysis of the evidence in the record, the Board finds a reduction in the subject's assessment is warranted.

The Board finds the appellant's appraisal report is the best evidence of the subject's market value as of the January 1, 2006 assessment date. The appraiser estimated a market value of \$235,000 for the subject property as of January 1, 2006. The subject's assessment reflects a market value of \$538,893 and is in excess of the market value estimate contained in the appraisal report. The board of review submitted three equity comparables but did not address or refute the overvaluation argument. Based on this record, the Board finds the subject has a market value of \$235,000 as of January 1, 2006, and the 2006 three-year median level of assessments for Cook County Real Property Assessment Classification Ordinance Class 2 property of 10.12% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code 1910.59(c)(2)).

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 M. Louie

Member

Shawn R. Loras

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: May 20, 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.