



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

APPELLANT: D & W Partners
DOCKET NO.: 06-26801.001-C-1
PARCEL NO.: 14-20-204-002-0000

The parties of record before the Property Tax Appeal Board are D & W Partners, the appellant, by attorney Robert E. Welsh, of Madigan & Getzendanner 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: \$ 28,500
IMPR.: \$ 67,660
TOTAL: \$ 96,160

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 3,000 square foot land parcel improved with a 97-year old, one-story, masonry commercial building. The subject is located in Chicago.

The appellant's attorney raised several arguments: first, that the improvement's size was incorrect; second, that there was unequal treatment in the assessment process; and lastly, that the subject was overvalued as the bases of this appeal.

As to the subject's improvement, the appellant's brief asserted that the subject contains 2,559 square feet of building area. In contrast, the board of review submitted copies of the subject's property record cards reflecting 2,559 square feet of building area, while the assessor's property characteristic printouts submitted by the appellant indicated 4,273 square feet of building area.

In support of the equity argument, the appellant submitted photographs, descriptive and assessment data for five suggested comparables identified as Exhibit B. The appellant submitted assessor website printouts for each property. The printouts for

properties #3 and #4 stated that the assessment is prorated over more than one parcel, while the photographs for each of the adjoining properties reflect the same buildings thereon. Therefore, the Board shall construe these suggested properties as one comparable. The four properties were improved with a one-story, masonry building designated for commercial usage. They range: in age from 16 to 97 years; in size from 1,269 to 3,461 square feet of building area; and in improvement assessments from \$8.58 to \$26.44 per square foot. In addition, the printouts for property #5 stated that the data reflected a partial assessment. The subject's improvement assessment is \$33.68 per square foot using the appellant's improvement size of 2,559 square feet. Moreover, the appellant submitted a listing of vacant storefront properties in the subject's neighborhood identified as Exhibit A within its pleadings.

Lastly, the appellant's pleadings included Exhibit C which contained actual income and expense data for the subject property. Moreover, the pleadings asserted that the subject's assessment increased from tax year 2005 to 2006 by 58% asserting that this was excessive. Based upon this analysis, the appellant requested a reduction in the subject's assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$114,688. The subject's assessment reflects a market value of \$301,810 or \$117.94 per square foot using the Cook County Ordinance level of assessment for Class 5a, commercial property of 38%. As to the subject, the board also submitted copies of the subject's property record cards.

In addition, the board of review submitted a memorandum as well as CoStar Comps printouts for five suggested comparables. The properties contained retail/storefront buildings. They sold from April, 2001, to July, 2006, for prices that were in an unadjusted range from \$126.26 to \$506.79 per square foot of building area. The buildings ranged in size from 2,358 to 3,960 square feet of building area. The printouts also reflected that sales #1 and #5 did not involve real estate brokers for either party, while sales #3 and #4 contained the same real estate broker representing both parties to each sale.

Furthermore, the board's memorandum stated that the memorandum was not intended to be an appraisal or an estimate of value and should not be construed as such. It also indicated that the information provided in the memorandum has been collected from sources assumed to be factual, accurate and reliable; however, the writer had not verified the information or sources and did not warrant its accuracy. 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.

The appellant contends unequal treatment in the subject's improvement assessment as the basis of the appeal. 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). After an analysis of the data, the Board finds that the appellant has met this burden.

As an ancillary issue, the appellant's attorney asserted that the subject's improvement size was incorrect; which is supported by the subject's property record cards submitted by the board of review. Therefore, the Board finds that the best evidence of size was submitted by the board of review and that the subject's improvement contains 2,559 square feet of building area.

As to the equity issue, the Board finds that the appellant's comparables were the sole equity evidence submitted by the parties. Property #5 is accorded no weight because the data indicated that it related to a partial assessment. In analysis, the Board accorded most weight to the remaining three comparables. These comparables ranged in improvement assessments from \$8.58 to \$26.44 per square foot of building area. The subject's improvement assessment at \$33.68 per square foot using 2,559 square feet is above the range established by these comparables.

As a result of this analysis, the Board finds that the appellant has adequately demonstrated that the subject was inequitably assessed by clear and convincing evidence and that a reduction is warranted.

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 (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 evidence indicates a reduction is not warranted.

In determining the fair market value of the subject property, the Board finds that the appellant failed to provide any market data in support of the overvaluation argument. The appellant only provided actual income and expense data relating to the subject. In addition, the Board finds that the appellant's assertion that a 58% increase in assessment from one tax year to the subsequent year is excessive to be unpersuasive and unsupported.

Moreover, the Board accorded diminished weight to the board of review's limited and raw sales data.

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Therefore, the Board finds that the subject property's market value is supported by the evidence and that an assessment 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.

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: 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.