

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Sabeeh  
DOCKET NO.: 06-28057.001-C-1  
PARCEL NO.: 06-14-302-007-0000

The parties of record before the Property Tax Appeal Board are Sabeeh, the appellant, by attorney Arnold G. Siegel, Chicago, and the Cook County Board of Review.

The subject property consists of an 18,300 square foot parcel improved with a 37-year-old one-story masonry constructed commercial building containing 2,400 square feet of building area. The subject is located in Hanover Township, Cook County.

The appellant, through counsel, appeared before the Property Tax Appeal Board claiming unequal treatment in the assessment process as the basis of the appeal. In support of this argument, the appellant offered a spreadsheet detailing three suggested comparable properties located in the same general area as the subject. Assessment printout sheets for the comparables were also submitted. The grid analysis revealed that the three properties consist of one-story style commercial buildings ranging from nine to twenty-five years old. The comparables have land to building ratios ranging from 2.40:1 to 4.69:1; range in building size from 4,740 to 6,830 square feet of building area; and in land size from 13,500 to 32,017 square feet. The comparables have land assessments ranging from \$1.71 to \$3.23 per square foot of land area and improvement assessments ranging from \$7.98 to \$15.14 per square foot of building area. Counsel also argued that the subject's fair market value should not exceed \$76,978 based on an income approach to value prepared by counsel. In support of this the appellant submitted copies of Federal Income Tax Form Schedule E - Supplemental Income and Loss for the years 2003 through 2006. A copy of the subject's 2006 board of review final decision was also included. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$83,629 was disclosed. Of the total assessment, the subject's land assessment is \$45,201, or \$2.47 per square foot; and the

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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:

LAND: \$ 45,201  
IMPR.: \$ 38,428  
TOTAL: \$ 83,629

Subject only to the State multiplier as applicable.

improvement assessment is \$38,428, or \$16.01 per square foot. The subject's final assessment reflects a fair market value of \$220,076, when the Cook County Real Property Assessment Classification Ordinance level of assessments of 38% for Class 5A properties is applied. In support, the board of review offered a memorandum indicating the sales of properties in the subject's area suggest an unadjusted range of from \$140.88 to \$360.00 per square foot of building area including land. The board's memorandum also disclosed the subject sold in October 2003 for a price of \$350,000, or \$145.83 per square foot of building area including land. In support of its assessment, the board of review submitted Cook County Assessor's Office sales sheets for six comparables. In addition, a copy of a warrantee deed for the subject dated October 21, 2003 was proffered. The comparable properties are one story commercial buildings built from 1965 to 1987. The comparables range in size from 2,112 to 2,520 square feet of building area and in land size from 9,344 to 24,659 square feet. These sales occurred from March 1999 to July 2004. The sales sheets revealed that five of the sales were part of bulk sale long term lease back agreements. Based on the foregoing, the board of review requested confirmation of the subject's assessment.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds it has jurisdiction over the parties and the subject matter of this appeal.

Appellants 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, 544 N.E.2d 762 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. Proof of assessment inequity should include assessment data and documentation establishing the physical, locational and jurisdictional similarities of the suggested comparables to the subject property. Section 1910.65(b) *The Official Rules of the Property Tax Appeal Board* (86 Ill. Adm. Code §1910.65(b)). Mathematical equality in the assessment process is not required. A practical uniformity, rather than an absolute one is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill. 2d 395, 169 N.E.2d 769 (1960). Having considered the evidence and testimony presented, the Board concludes that the appellant has failed to meet this burden.

The Property Tax Appeal Board places no weight on the appellant's limited descriptive data regarding the equity comparables. The Board finds that data limited to size, age, land to building ratios and story height is not sufficient to draw a reliable conclusion of comparability to the subject. Having considered the evidence and testimony presented, the Board concludes that the appellant has failed to demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction and no reduction is warranted.

Turning the appellant's claim the subject is overvalued, 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 (3<sup>rd</sup> Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 728 N.E.2d 1256 (2<sup>nd</sup> 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. Section 1910.65 *The Official Rules of the Property Tax Appeal Board* (86 Ill. Adm. Code §1910.65(c)). Having considered the evidence and heard the testimony, the Board concludes that the appellant has failed to meet this burden.

The Board finds the appellant's argument that the subject's assessment is excessive when applying an income approach based on the subject's actual income and expenses unconvincing and not supported by evidence in the record. In Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970), the court stated:

[I]t is the value of the "tract or lot of real property" which is assessed, rather than the value of the interest presently held. . . . [R]ental income may of course be a relevant factor. However, it cannot be the controlling factor, particularly where it is admittedly misleading as to the fair cash value of the property involved. . . . [E]arning capacity is properly regarded as the most significant element in arriving at "fair cash value".

Many factors may prevent a property owner from realizing an income from property that accurately reflects its true earning capacity; but it is the capacity for earning income, rather than the income actually derived, which reflects "fair cash value" for taxation purposes. Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d at 431.

Actual expenses and income can be useful when shown that they are reflective of the market. The appellant did not demonstrate through an expert appraisal witness that the subject's actual income and expenses are reflective of the market. To demonstrate or estimate the subject's market value using an income approach, as the appellant attempted, one must establish through the use of market data the market rent, vacancy and collection losses, and expenses to arrive at a net operating income reflective of the market and the property's capacity for earning income. Further, the appellant must establish through the use of market data a capitalization rate to convert the net income into an estimate of market value. The appellant did not provide such evidence; therefore, the Property Tax Appeal Board gives this argument no weight.

The Board further finds problematical the fact that appellant's counsel developed the "income approach" rather than an expert in the field of real estate valuation. The Board finds that an attorney cannot act as both an advocate for a client and also provide unbiased, objective opinion testimony of value for that client's property.

As a result of this analysis, the Property Tax Appeal board finds that the appellant failed to prove the subject overvalued and no 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.



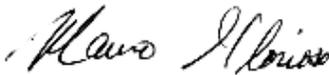
Chairman



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: July 28, 2009



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.