



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

APPELLANT: Silverman Properties II, LLC
DOCKET NO.: 06-28734.001-I-1
PARCEL NO.: 16-03-400-038-0000

The parties of record before the Property Tax Appeal Board are Silverman Properties II, LLC, the appellant, by attorney Jason T. Shilson, of O'Keefe Lyons & Hynes, LLC, in Chicago, and the Cook County Board of Review.

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: \$28,514
IMPR.: \$52,335
TOTAL: \$80,849

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 15,087 square foot site improved with an 84-year-old one-story brick industrial shop-type building containing 14,756 square feet of building area. The property is classified as a class 5-93 industrial building under the Cook County Real Property Assessment Classification Ordinance (hereinafter "Ordinance") and is to be assessed at 36% of market value. The subject is located in Chicago, West Chicago Township, Cook County.

The appellant through legal counsel submitted to the Property Tax Appeal Board an Industrial Appeal petition marking the bases of the appeal in Section 2d as 'recent sale,' 'assessment equity,' 'recent appraisal' and 'contention of law.' In accordance with Section IV of the petition regarding recent sale data, the appellant reported that the subject property was purchased from Cecylia Nocek and Eileen Spooner in March 2005 for \$262,500. No other documentation of the sale was submitted by the appellant nor were any other portions of Section IV of the appeal petition completed to indicate that the sales transaction was of an arm's-length nature through unrelated parties and that the property was

advertised and exposed for a sufficient period of time on the open market.

As to the assessment equity claim, appellant failed to submit any assessment data on comparable properties for comparison purposes. Therefore, the Board finds the appellant submitted insufficient evidence to proceed on a lack of uniformity claim. (86 Ill.Admin.Code Sec. 1910.65(b))

As to the contention of law claim, appellant failed to submit a brief in support of such contention. Therefore, the Board finds the appellant failed to submit sufficient evidence to proceed on a contention of law. (86 Ill.Admin.Code Sec. 1910.65(d))

The appellant through counsel submitted an appraisal report prepared by Richard J. Layman and Brian T. McNamara of Brian T. McNamara & Associates, Ltd. estimating a fair market value for the subject property of \$185,000 as of January 1, 2006, using only the sales comparison approach to value. The purpose of the appraisal was to provide a basis for an appeal of the assessment of the subject property.

On page 27, the appraisers report "there was one deed transfer 04/05 for \$262,500 [of the subject property] in the past five years other than the noted comparable [sic] sale date." No further discussion or explanation of the sale of the subject property approximately 8 months prior to the valuation date at issue was found in the appraisal report.

The appraisers utilized seven suggested comparable sales with varying degrees of similarity when compared to the subject. Based on the detail sheets, the comparables consist of one-story brick or concrete block industrial type structures that were in either average or below average condition at the time of sale. One of the comparables has 53 parking spaces, two have parking lots and three were said to only have street parking. Five of the sales were said to be single tenant properties and one was described as multi-tenant.

In summary, the seven comparables have parcels that range in size from 21,850 to 158,900 square feet of land area. The buildings range in size from 17,540 to 93,225 square feet of building area and range in age from 52 to 91 years old. The comparables feature land-to-building ratios ranging from 1.13:1 to 1.76:1 whereas the subject has a land-to-building ratio of 1.02:1. The properties sold from February 2003 to August 2005 for prices ranging from \$225,000 to \$1,233,500 or from \$5.99 to \$13.23 per square foot of building area including land. After making qualitative adjustments to the comparables as outlined on page 46 of the report, the appraisers opined that sales #1 through #5 needed upward adjustments and sales #6 and #7 needed a minimal adjustments. In light of the comparable sales, the appraisers opined a range of \$11.00 to \$13.00 per square foot of building area including land for the subject with a conclusion of \$12.50 per square foot for the subject. As such, the appraisers

estimated the subject's market value under the sales comparison approach at \$185,000, rounded.

Based on this evidence, the appellant requested a reduction in the subject's total assessment to \$66,600.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$80,849 was disclosed. The subject's total assessment reflects an estimated market value of \$224,581 or \$15.22 per square foot of building area including land using the Ordinance level of assessment for Class 5B property of 36%.

In support of the subject's estimated market value as reflected by its assessment, the board of review submitted a memorandum addressing the March 2005 transfer of the subject property for \$262,500 with a copy of the deed and transfer declaration presented. The PTAX-203 Illinois Real Estate Transfer Declaration indicates the subject was advertised for sale using a real estate agent, but is also indicates the property will be used as the buyer's principal residence.

Next, the board of review presented 12 comparable sales located within a 1.5-mile radius of the subject. The comparables are improved with industrial "warehouse" buildings that range in size from 10,000 to 16,500 square feet of building area. The buildings were either one-story or two-story structures. Ten comparables had ages reportedly between 17 and 96 years old; no ages were reported for two properties. Eight of the comparables were single-tenant buildings, two were multi-tenant buildings and two had no tenancy data reported. Ten of the parcels range in size from 8,233 to 42,558 square feet of land area; no land size data was reported for two of the comparables. The sales occurred from April 2001 to September 2008 for prices ranging from \$220,000 to \$1,000,000 or from \$15.55 to \$85.51 per square foot of building area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Based on this evidence, the board of review requested confirmation of the subject property's assessment.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Property Tax Appeal Board further finds no reduction in the subject property's assessment is warranted.

The appellant argued the subject property is overvalued. When market value is the basis of the appeal, the value 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). The Board finds the appellant has not overcome this burden.

In this appeal, the appellant submitted an appraisal report estimating a fair market value for the subject property of \$185,000 or \$12.54 per square foot of building area including land as of January 1, 2006. The board of review submitted twelve suggested comparable sales to support its assessed valuation of the subject property.

Initially, the Property Tax Appeal Board gave little weight to the appraisal report and final value conclusion that was submitted by the appellant. The Board finds the appraisal value conclusion to be unpersuasive and not credible. The Board finds, with the exception of sale #5, the comparable sales presented in the appraisal are dissimilar in building size and/or land size when compared to the subject. Finally, the board finds it problematic that the appellant's appraisers indicated the subject property sold for \$262,500 in April 2005 a mere 8 months prior to the valuation date at issue, but did not give the transaction any consideration in the final value conclusion. The Board finds all of these factors severely undermine the credibility of appraisers' final value conclusion.

On the other hand, the board of review submitted twelve suggested comparable sales for consideration. Of the twelve sales presented, the Board finds that only sales #2, #3, #9 through #11 were proximate in time to the assessment date at issue of January 1, 2006 so that they may be somewhat probative of the subject's estimated market value as of the valuation date at issue and were most similar in age to the subject building. These five sales range in size from 10,000 to 14,506 square feet of building area and range in age from 66 to 96 years old. These properties sold for prices ranging from \$420,000 to \$1,000,000 or from \$39.64 to \$85.51 per square foot of building area including land. The subject's assessment reflects an estimated market value of \$224,581 or \$15.22 per square foot of building area including land using the Ordinance level of assessment for Class 5B property of 36% is less than these most similar sales comparables presented by the board of review. This estimated value conclusion is also less than the subject's recent recorded purchase price indicating that the property is not overvalued based on its assessment. Furthermore, after considering adjustments to the comparables for differences when compared to the subject, the Board finds the subject's assessed valuation is supported and no reduction is warranted.

Based on this analysis, the Property Tax Appeal Board finds the appellant failed to demonstrate the subject property was overvalued by a preponderance of the evidence and no 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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J. R.

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: February 24, 2012

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.