



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

APPELLANT: Ken Andryske
DOCKET NO.: 06-28802.001-C-2 through 06-28802.010-C-2
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Ken Andryske, the appellant(s), by attorney Howard W. Melton, of Howard W. Melton and Associates 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
06-28802.001-C-2	25-15-317-035-0000	9,188	192,011	\$201,199
06-28802.002-C-2	25-15-317-020-0000	4,276	510	\$4,786
06-28802.003-C-2	25-15-317-019-0000	4,276	510	\$4,786
06-28802.004-C-2	25-15-320-007-0000	6,207	419	\$6,626
06-28802.005-C-2	25-05-320-008-0000	6,207	419	\$6,626
06-28802.006-C-2	25-05-320-009-0000	6,207	419	\$6,626
06-28802.007-C-2	25-15-320-010-0000	6,207	15,913	\$22,120
06-28802.008-C-2	25-15-320-011-0000	6,207	15,913	\$22,120
06-28802.009-C-2	25-15-320-012-0000	6,207	16,395	\$22,602
06-28802.010-C-2	25-15-320-016-0000	5,643	279	\$5,922

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 10 parcels of land totaling 38,134 square feet of land and improved with two commercial buildings totaling 22,728 square feet of building area. The appellant, via counsel, argued that the fair market value of the subject was not accurately reflected in its assessed value.

In support of the market value argument, the appellant submitted an appraisal undertaken by James A. Matthews of James A. Matthews, Inc. The report indicates Matthews is a State of

Illinois certified general appraiser. Matthews was the appellant's witness. He testified he has been appraising commercial and residential real estate since 1993. After reviewing the appraisal, Matthews recalled that he did perform the appraisal on the subject property.

The appraisal indicated the subject has an estimated market value of \$520,000 as of January 1, 2006. The appraisal report utilized the two of the three traditional approaches to value to estimate the market value for the subject property. The appraisal finds the subject's highest and best use is its existing use.

Matthews testified the subject is not in a good location. He testified that the area, known as Roseland, has a lower demographic profile and a very soft commercial market. Matthews attempted to describe the subject property, but could only reiterate what was written in the appraisal.

Under the cost approach to value, the appraisal indicated vacant commercial land was considered. The replacement cost new was utilized to determine a cost for the improvements & site improvements at \$688,980. The appraiser depreciated the improvement for a value of \$367,456. The land at \$160,000, as previously estimated, was added back in to establish a value for under the cost approach of \$530,000, rounded.

Under the sales comparison approach, the appraiser analyzed the sales of four masonry, one-story, commercial buildings. The properties contain between 11,000 and 13,952 square feet of building area. The comparables sold from September 2001 to July 2003 for prices ranging from \$200 to \$400,000, or from \$15.75 to \$29.55 per square foot of building area, including land. The appraiser adjusted each of the comparables for pertinent factors. Based on the similarities and difference of the comparables when compared to the subject, the appraiser estimated a value for the subject under the sales comparison approach of \$23.00 per square foot of building area or \$520,000, rounded.

Matthews testified that he utilized sales comparables that were located in the same area as the subject. He testified he personally inspected the sales comparables by driving by them. Matthews testified that he usually does not inspect the interiors of comparables.

In reconciling the two approaches to value, the appraisal gave most reliance to the sales comparison with secondary emphasis to the cost approach to arrive at a final estimate of value for the subject as of January 1, 2006 of \$520,000.

Under cross-examination, Matthews testified that the purpose of the appraisal as written on page two is confusing and could be misread, but that the appraisal was for establishing market value and not for reducing the assessment.

Matthews testified he did not know why there were no land comps for the cost approach. He acknowledged that typically land comparables are used in the cost approach. He did not remember how he arrived at the land value in the cost approach, but acknowledged this value is important. Matthews also acknowledged he did not review the appraisal report prior to the hearing.

As to the sales comparables, Matthews testified he did not get out of his vehicle when you drove by the comparables, nor did he attempt to enter the retail establishments. He opined that he would not be allowed to enter a private building, but could enter a store open to the public. Matthews did not remember if he took the photographs of the sales comparables.

In describing the property, Matthews acknowledged the appraisal had contradictory information concerning a water heater. He could not remember which statement was the correct statement for the subject.

As to sales comparables #1 and #4, Matthews testified this property was a one-story auto repair. He could not remember how many bays each property had.

Matthews could not remember how he verified the sales in the sales comparison approach or if any of the sales were bankruptcy sales.

As to sale comparable #5, Matthews could not explain why the photograph was of a vacant lot. He acknowledged the photograph was not good and that he did not know who took the picture.

Matthews acknowledged that the market was increasing from 2001 to 2006, the years from when sale #1 sold and the valuation date of the appraisal. Matthews was questioned as to why sale #1 in 2001 sold for \$28.67, but the value arrived at for the subject five years later was less than this amount. In response, Matthews testified that he examined all five sales comparables and made adjustments. He stated he adjusted sale #1 upwards 5% for sale date.

He acknowledged the sale prices for sales #1, #3, #4 and #5 were all higher than the estimate of value for the subject in the sales comparison approach.

On redirect, Matthews opined the sales comparables were similar to the subject, with sales #1 and #5 relevant in terms of location even though the sales were older.

Matthews again acknowledged that appraisals typically have land comparables in them and understood that opposing counsel is upset that he did not have land sales in his report.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$303,413 was disclosed. The subject's final assessment reflects a fair market

value of \$798,455 when the Cook County Real Property Assessment Classification Ordinance level of assessments of 38% for Class 5A properties is applied. The board also submitted raw sales information on six properties suggested as comparable. The properties sold from May 2004 to November 2006 for prices ranging from \$500,000 to \$980,000 or from \$21.55 to \$36.25 per square foot of building area, including land.

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 Board further finds a reduction in the subject's assessment 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, 331Ill.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 PTAB concludes that the evidence indicates a reduction is not warranted.

In determining the fair market value of the subject property, the PTAB finds the conclusion of value arrived at in the appraisal unreliable. The appellant's witness testified he was unsure of how the land value was arrived at and did not even know what comparables were used to arrive at the value. In the sales comparison approach, the witness could not remember any details as to the comparable sales; he did not review the appraisal prior to the hearing; he did not attempt any inspection of these properties; and could not remember how he verified any of the sales. The PTAB finds the appraiser was unprepared for the hearing and could not even describe the subject property; he could do no more than read the appraisal when discussing the comparables used. Therefore, the PTAB gives no weight to the testimony of the appraiser or the conclusions of value estimated in the appraisal, but the PTAB will review the comparables sales.

The sales within the sales comparison approach were recorded between September 2001 and July 2003. The PTAB finds sales #1 and #4 occurred in 2001 and gives these sales no weight due to the date of the sales. The PTAB further finds that sales #2, #3 and #5 are the most similar to the subject in design; however these buildings are significantly smaller than the subject. These properties sold for prices from \$15.75 to \$25.00 per square foot of building area, including land.

The board of review provided information on six sales. The PTAB finds sales #1 is a multi-property sale and gives this sale no weight. The PTAB finds that sales #2 and #5 receive diminished weight because they are dissimilar to the subject in use as they

are industrial properties. Although sale #3 is a warehouse, PTAB finds that this sale is similar to the subject due to the fact the appraisal indicates the subject property is mainly used for warehouse purposes. The remaining two sales are of auto repair buildings. The PTAB finds these comparables sold from May 2004 to May 2006 for prices ranging from \$35.64 to \$73.17 per square foot of building area, including land.

In summary, the PTAB finds the best sales in the record had prices per square foot of building area from \$15.75 to \$73.17 per square foot of building area, including land. When the lowest and highest prices per square foot are removed the range is from \$25.00 to \$48.09 per square foot of building area. The subject's assessment reflects a market value of \$35.13 per square foot of building area which is supported by these sales.

Based on this analysis, the PTAB finds that a change in the subject's assessment 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 M. Louie

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.