



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

APPELLANT: Haim Brody  
DOCKET NO.: 06-28912.001-C-1  
PARCEL NO.: 20-27-100-036-0000

The parties of record before the Property Tax Appeal Board are Haim Brody, the appellant, 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:

**LAND:** \$15,105  
**IMPR.:** \$42,213  
**TOTAL:** \$57,318

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a one-story, brick constructed, commercial building with 3,750 square feet of building area. The building was constructed in 1956. The subject property has a 7,950 square foot site resulting in a land-to-building ratio of 2.12:1. The property is located in Chicago, Hyde Park Township, Cook County. The subject is classified as a class 5-17 one-story commercial building under the Cook County Real Property Assessment Classification Ordinance (hereinafter "Ordinance") and is to be assessed at 38% of market value.

The appellant is challenging the assessment for the 2006 tax year contending overvaluation as the basis of the appeal. In support of this argument the appellant submitted a limited summary appraisal report prepared by certified general real estate appraiser James A. Matthews of James A. Matthews, Inc. Matthews estimated the subject had a market value of \$115,000 as of January 1, 2006.

The purpose of the appraisal was to estimate the market value of the real estate described in the report in order to establish an equitable ad valorem tax assessment. The property rights

appraised were the fee simple title, assuming no liens, or encumbrances other than normal covenants and restrictions of record such as zoning and real estate taxes. The appraisal described the real estate as being identified by property index number (PIN) 20-27-100-036. The appraiser also determined the existing structure to be highest and best use of the subject as improved.

In estimating the market value of the subject property the appraiser developed only the sales comparison approach to value. The appraiser utilized five sales located in Chicago that were improved with one-story buildings that ranged in size from 3,800 to 6,600 square feet of building area. The comparables were constructed from 1913 to 1960. These properties had sites that ranged in size from 6,000 to 9,450 square feet of land area resulting in land-to-building ratios ranging from 1.07:1 to 1.85:1. These comparables sold from March 2002 to November 2002 for prices ranging from \$105,000 to \$150,100 or from \$21.00 to \$30.63 per square foot of building area including land. The report contained an adjustment grid for such factors as rights, sale conditions, financing, sale date, location, zoning, building condition, building size, land-to-building ratio, amenities and utility/shape. The appraiser made quantitative adjustments to the comparables for sale date, building size and land-to-building ratio to arrive at adjusted prices ranging from \$24.78 to \$35.22 per square foot of building area. Based on these sales the appraiser estimated the subject had a market value of \$31.00 per square foot of building area or \$115,000, rounded, including land.

Based on this evidence the appellant requested the subject's assessment be reduced to \$43,700 to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$57,318 was disclosed. The subject's assessment reflects a market value of approximately \$150,837 or \$40.22 per square foot of building area, including land.

In support of the subject's assessment the board of review provided a memorandum from Ralph F. DiFebo, Jr., with information on five comparable sales. The memorandum asserted that market area was surveyed to locate comparable sales but the sales were not adjusted for market conditions such as time, location, age, size, land-to-building ratio, parking, zoning and other related factors. It further stated that the memorandum was not intended to be an appraisal or estimate of value.

The board of review sales were improved with commercial buildings located in Chicago that ranged in size from 4,300 to 6,930 square feet of building area. The information provided by the board of review indicated that four of the buildings were built from 1921 to 2004 and each was a multi-tenant structure. The age of one comparable was not disclosed. The data also indicated four of the comparables had sites that ranged in size from 4,800 to

19,624 square feet of land area resulting in land-to-building ratios ranging from 1.03:1 to 2.93:1. The land area of one comparable was not provided. The sales occurred from June 2003 to January 2008 for prices ranging from \$50,000 to \$1,745,000 or from \$9.35 to \$260.45 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 the appeal. The Board further finds the evidence in the record does not support a reduction in the subject's assessment.

The appellant contends overvaluation as the basis of the appeal. 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 (3<sup>rd</sup> Dist. 2002). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The record disclosed the subject property had a total assessment of \$57,318 which reflects a market value of approximately \$150,837 or \$40.22 per square foot of building area, including land, when applying the Ordinance level of assessment for class 5-17 property of 38%. The appellant submitted an appraisal estimating the subject property had a market value of \$115,000 as of January 1, 2006. The Board finds the estimate of value is not credible in light of the fact the appraiser only developed the sales comparison approach to value using sales that occurred from March 2002 to November 2002, or in excess of three years prior to the assessment date at issue. Although the appraiser made a 12% positive adjustment to each comparable for date of sale, the Board finds there was nothing in the record to validate the percentage used. The board of review had five comparables; however, the Property Tax Appeal Board finds both comparable sales #1 and #5 were outliers with unit prices of \$9.35 and \$260.45 per square foot of building area, including land. Additionally, comparable sale #5 is significantly newer than the subject being constructed in 2004 and it has a multi-tenant use. The three remaining comparables were similar to the subject in size and sold more proximate in time to the assessment date at issue, although two sold after the January 1, 2006 date of value. These three properties sold from June 2003 to January 2008 for prices ranging from \$250,000 to \$315,000 or from \$42.37 to \$69.53 per square foot of building area, including land. These sales indicate the subject's assessment is reflective of the property's market value.

In conclusion, after considering all the sales submitted by the parties, the Board finds the subject's assessment as established

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by the board of review is correct and a reduction is not justified.

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

*Marko M. Louie*

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: March 23, 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.