



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

APPELLANT: J. S. Patterson  
DOCKET NO.: 06-28914.001-R-1  
PARCEL NO.: 17-31-312-005-0000

The parties of record before the Property Tax Appeal Board are J. S. Patterson, the appellant(s), by attorney Aron L. Bornstein, of Law Offices of Aron L. Bornstein 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:** \$4,601  
**IMPR.:** \$8,555  
**TOTAL:** \$13,156

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of 2,950 square foot parcel of land improved with a 105-year old, three-story, masonry, mixed-use building. 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 Christopher Nickell of Fuhrer Associates. The report indicates Nickell is a State of Illinois certified general appraiser. The appraiser indicated the subject has an estimated market value of \$130,000 as of January 1, 2006. The appraisal report utilized 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 present use.

In describing the subject property, the appraisal lists the subject as containing 4,488 square feet of building area. The

appraisal includes a drawing of the subject with the dimensions included.

Under the cost approach to value, the appraiser accepted the value of the land as established by the county assessor of \$28,756. The replacement cost new was utilized to determine a cost for the improvement at \$252,225, rounded. The appraisal depreciated the improvement by 62% for a value of \$95,845. The appraisal also included a cost for the two-car garage at \$99,858. The land was added back in to establish a value under the cost approach of \$129,000, rounded.

In the income approach to value, the appraiser analyzed the subject's rents to estimate a potential gross income of \$38,700. Expenses, which included vacancy and collection, were estimated at 60% to arrive at a net operating income of \$15,480. A loaded capitalization rate of 13% was utilized to estimate a value under the income approach of \$119,000, rounded.

Under the sales comparison approach, the appraiser analyzed the sales of three two or three-story, masonry, mixed-use buildings. The properties range: in age from 84 to 108 years and in size from 5,019 to 9,240 square feet of building area. The comparables sold from July 2002 to June 2003 for prices ranging from \$167,000 to \$289,000 or from \$30.86 to \$33.47 per square foot of building area, land included. 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 \$32.00 per square foot of building area or \$144,000, rounded.

In reconciling the three approaches to value, the appraisal arrived at a final estimate of value for the subject as of January 1, 2006 of \$130,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$31,948 was disclosed. The subject's final assessment reflects a fair market value of \$315,692 when the Illinois Department of Revenue 2006 three-year median level of assessment of 10.12% for Class 2 properties is applied. The board of review lists the subject as containing 4,092 square feet of building area. In support of the subject's assessment, the board of review presented descriptions and assessment information on three suggested comparables located within the subject's neighborhood. The properties consist of three-story, masonry, mixed-use buildings with between three and six and a partial or full, unfinished basement. The properties range: in age from 105 to 115 years; in size from 4,038 to 4,440 square feet of living area; and in improvement assessments from \$6.63 to \$9.30 per square foot of living area.

At hearing, the appellant's attorney submitted into the record Appellant's hearing exhibit #2, a brief reiterating the appellant's argument and copies of supporting caselaw. The

appellant's attorney argued that the appraisal is the best evidence of the subject's market value. Mr. Bornstein also argued that the board of review did not address the appellant's market value argument.

The board of review's representative, Nicholas Jordan, rested on the evidence previously submitted and asked the PTAB to review the sales comparables within the appellant's appraisal for comparability. In response to questions about the subject's size, Mr. Jordan testified that the information was gathered by the assessor's office and he did not have any information as to how the size was arrived at.

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 (3<sup>rd</sup> Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (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. 86 Ill.Admin.Code 1910.65(c). Having considered the evidence presented, the PTAB concludes that the evidence indicates a reduction is warranted.

As to the subject's size, the PTAB finds that the appellant submitted sufficient evidence to establish the subject's size at 4,488 square feet of building area. The appraisal indicates the subject was personally inspected and measured by including the diagram of the building. The board of review was unable to provide any evidence to support their position on the subject's size. Therefore, the PTAB finds the subject contains 4,488 square feet of building area.

In determining the fair market value of the subject property, the PTAB finds the best evidence to be the appellant's appraisal. The appellant's appraiser utilized the three traditional approaches to value in determining the subject's market value. The PTAB finds this appraisal to be persuasive for the appraiser: has experience in appraising; personally inspected the subject property and reviewed the property's history; and used similar properties in the sales comparison approach while providing adjustments that were necessary. The PTAB gives little weight to the board of review's comparables as the information provided was unadjusted raw sales data.

Therefore, the PTAB finds the subject had a market value of \$130,000 for the 2006 assessment year. Since the market value of this parcel has been established, the Illinois Department of

Revenues 2006 three-year median level of assessment of 10.12% for Class 2 will apply. In applying this level of assessment to the subject, the total assessed value is \$13,156 while the subject's current total assessed value is above this amount. Therefore, the PTAB finds that a 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.

*Ronald R. Cuit*

Chairman

*K. L. Fern*

Member

*Frank A. Huff*

Member

*Mario Morris*

Member

*Shawn P. 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: October 21, 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.