



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

APPELLANT: Sam Oushana
DOCKET NO.: 06-29492.001-I-1
PARCEL NO.: 16-15-125-027-0000

The parties of record before the Property Tax Appeal Board are Sam Oushana, the appellant, by attorney Michael D. Gertner, of Michael D. Gertner, Ltd. 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: \$ 28,576
IMPR: \$ 52,424
TOTAL: \$ 81,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of an 82-year old, one-story, masonry building containing 15,000 square feet of building area. The building is used as a industrial/garage and is located on a 15,156 square foot land parcel.

The appellant argued that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellant submitted an appraisal report of the subject property with an effective date of January 1, 2006 undertaken by Robert Flood and George K. Stamas, both of which hold the designation of State General Real Estate Appraiser, while the latter also holds the designation of an Associate Member of the Appraisal Institute. The appraisers estimated a market value for the subject of \$225,000.

As to the subject, the appraisers indicated that the subject's history reflected a transfer of the property recorded on January 26, 2004 under Document #0402611069 for a value of \$300,000. However, the appraisers opined that based upon a review of the

sales utilized in the appraisal, the prior sale appeared to be an above market transaction.

As to the subject, the building contained an open layout with two over-head doors. The subject was in below average physical condition while exhibiting significant physical aging and deferred maintenance. The roof was found to be in need of repair and the building's exterior brickwork was in need of tuckpointing. In addition, the appraisers opined that the subject had below average functional utility due to: the lack of interior finishing, a floor deck of any kind; the absence of air conditioning and hot water; and the lack of washrooms. Moreover, the building's low ceiling heights limits its utility for other applications. The appraisers undertook a personal inspection of the subject on January 2, 2007. In addition, the appraisal included copies of plats of survey, area maps, and zoning maps.

The appraiser indicated that the subject's highest and best use as vacant was for industrial development, while the highest and best use as improved was for its current use.

The appraiser developed one of the three traditional approaches to value. The estimated market value under the sales comparison approach was \$225,000. The appraisal indicated that the cost approach was less than applicable to the subject due to its age and the large amounts of depreciation to be estimated.

Under the sales comparison approach to value, the appraisers utilized five sales comparables. These comparables sold from January, 2003, through November, 2003, for prices that ranged from \$8.58 to \$15.91 per square foot. The properties were improved with a one-story, masonry, industrial building. They ranged in age from 44 to 85 years and in size from 17,050 to 26,718 square feet of building area. They also included from one to 20 truck docks. After making adjustments to the suggested comparables, the appraisers estimated the subject's market value was \$15.00 per square foot or \$225,000.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$100,284 for tax year 2006. The subject's assessment reflects a market value of \$278,567 or \$18.57 per square foot using the Cook County Ordinance Level of Assessment for Class 5b, industrial property of 36%. As to the subject, the board submitted copies of the subject's property record cards. The board's memorandum noted that the subject's sold on December 8, 2003 for a price of \$300,000. In support of this assertion, the board submitted copies of recording document from the Cook County Recorder of Deeds office as well as a copy of the warranty deed.

In support of the subject's market value, raw sales data was submitted for five industrial properties. The data from the CoStar Comps service sheets reflect that the research was licensed to the assessor's office, but failed to indicate that

there was any verification of the information or sources of data. The properties sold in an unadjusted range from \$279,500 to \$1,200,000, or from \$20.41 to \$64.86 per square foot of building area. The properties contained industrial buildings that ranged in size from 13,241 to 18,500 square feet.

Moreover, the board of review's memorandum stated that it was not intended to be an appraisal or an estimate of value and should not be construed as such. It indicated that the information provided in the memorandum was collected from various sources and assumed to be factual, accurate or reliable. However, the memorandum disclosed that the writer had not verified the information or sources referenced; and therefore, did not warrant its accuracy. As a result of its analysis, the board requested confirmation of the subject's assessment.

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

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 Board concludes that the appellant has met this burden and that a reduction is warranted.

In determining the fair market value of the subject property, the Board finds the best evidence to be the appellant's appraisal. The appellant's appraisers utilized one of the three traditional approaches to value in determining the subject's market value, the sales comparison approach. The Board further finds this appraisal to be persuasive for the appraisers personally inspected the subject property and utilized market data to obtain improved sales comparables while providing sufficient detail regarding each sale as well as adjustments where necessary. Furthermore, the appraisers acknowledged the subject's prior sale and indicated the opinion that was above market prices, while also identifying in detail the subject's below average condition and utility.

Moreover, the Board finds that the board of review provided unconfirmed, raw data in support of the subject's assessment.

Therefore, the Board finds that the subject property contained a market value of \$225,000 for tax year 2006. Since the market value of the subject has been established, the Cook County Ordinance level of assessment for Class 5b, industrial property of 36% will apply. In applying this level of assessment to the

subject, the total assessed value is \$81,000, while the subject's current total assessed value is above this amount at \$100,284. Therefore, the Board 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 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: June 24, 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.