



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

APPELLANT: South Side Rehab, Inc
DOCKET NO.: 06-29535.001-C-1
PARCEL NO.: 26-31-225-018-0000

The parties of record before the Property Tax Appeal Board are South Side Rehab, Inc, the appellant, by attorney Gregory J. Lafakis and attorney Ellen Berkshire, with the law firm of Verros, Lafakis & Berkshire, P.C. 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: \$ 3,562
IMPR.: \$ 9,738
TOTAL: \$ 13,300

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 3,125 square feet of land improved with a 107-year old, one-story, masonry building used as a commercial storefront. The improvement contains 1,281 square feet of building area.

The appellant's appeal raises two arguments: first, that there is unequal treatment in the assessment process of the subject's improvement; and second, that the subject's market value is not accurately reflected in its assessment.

As to the equity argument, the appellant submitted assessment data and descriptions on a total of four properties reflected on two grid sheets. The suggested comparables are located within a two-block radius of the subject, with two properties located on the same street as is the subject. The properties range in land size from 2,836 to 12,500 square feet. They are improved with a single, one-story, masonry building used as commercial storefronts. The improvements range: in age from 51 to 118 years; in size from 992 to 12,204 square feet of building area; and in improvement assessments from \$8.38 to \$13.84 per square

foot of building area. The assessor database printouts for property #1 and #3 reflect that these properties contain a partial assessment. The subject's improvement assessment is \$16.22 per square foot of building area.

In support of the market value argument, the appellant submitted copies of settlement statement and deed in trust reflecting that the subject property was purchased on October 22, 2004 for a price of \$35,000. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$24,339 was disclosed. This assessment reflects a market value of \$64,050 or \$50.00 per square foot when the Cook County Ordinance level of assessment for class 5a, commercial property of 38% is applied. In addition, copies of the subject's property record cards were submitted.

In support of the subject's market value, raw sales data was submitted for five 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 from April, 2001, to May, 2003, for prices in an unadjusted range from \$26.32 to \$100.00 per square foot. The buildings contain from 1,200 to 3,800 square feet of building area. The descriptive data indicated that the properties were identified as constituting retail/storefront usage. The printouts also indicate that properties #2, #4, and #5 did not contain any real estate brokers for the parties' in the sales transaction. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant's attorney submitted assessor database printouts for the board of review's properties. The printouts reflect that properties #1, #2 and #5 are commercial properties improved with a one-story retail store that ranged in size from 1,118 to 4,050 square feet of building area. The printouts for property #4 reflect that the improvements are a multi-family dwelling, while there was no assessor printout available for property #2 allegedly because the parcel number was invalid.

After hearing the argument and/or testimony as well as considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

The appellant contends unequal treatment in the subject's improvement assessment as the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an

analysis of the assessment data, the PTAB finds the appellant has not met this burden.

As to the equity argument, the PTAB finds that the appellant's argument unpersuasive. The PTAB accorded no weight to the appellant's comparables #1 and #3 due to the absence of additional data regarding these partially assessed properties.

When overvaluation is the basis of the appeal, the value of the property must be proved by a preponderance of the evidence. *86 Ill.Admin.Code 1910.63(e)*. 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 finds that the best and unrebutted evidence of valuation in the record was submitted by the appellant and demonstrates that the subject was purchased in October, 2004, for a value of \$35,000. The board of review's properties were accorded diminished weight due to a disparity in raw, unadjusted data.

As a result of this analysis, the PTAB finds the appellant has adequately demonstrated that the subject was overvalued by a preponderance of the evidence and 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: 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.