



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

APPELLANT: Fuentes
DOCKET NO.: 06-31176.001-C-1 through 06-31176.002-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Fuentes, the appellant(s), by attorney Arnold G. Siegel, of Siegel & Callahan, 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
06-31176.001-C-1	16-17-413-033-0000	11,967	0	\$ 11,967
06-31176.002-C-1	16-17-413-034-0000	76,491	92,042	\$ 168,533

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 45,665 square feet of land that is improved with a one-story, seven year old, masonry commercial fast food restaurant with 4,134 square feet of building area. The subject includes two drive-thru windows and two baths. The appellant, via counsel, argued that the subject's market value was not accurately reflected in its assessment.

In support of the market value argument, the appellant submitted an appraisal undertaken by Robert A. Flood and George K. Stamos of Meridian Appraisal & Consulting Group, Ltd. The report states that Mr. Flood and Mr. Stamos are both licensed State of Illinois Certified General Real Estate Appraisers. The appraisers stated that the subject had an estimated market value of \$475,000 as of January 1, 2006. The appraisal report utilized the sales comparison approach to value to estimate the market value for the subject property. The appraisal states that the appraisers personally inspected the subject, and that the subject's highest and best use as improved is its current use.

Under the sales comparison approach, the appraisers analyzed the sales of five suggested comparables, which are described as masonry, commercial buildings that range in age from 20 to 55 years old, and in building size from 1,100 to 5,772 square feet

of building area. These sales comparables sold from January 2003 to July 2003 for prices ranging from \$100,000 to \$465,000, or from \$66.67 to \$123.66 per square foot of building area, including land. The appraisers adjusted each of the comparables for pertinent factors. Based on the similarities and differences of the comparables when compared to the subject, the appraisers estimated a value for the subject under the sales comparison approach of \$115.00 per square foot of building area, including land, or \$475,000, rounded.

The cost approach and the income approach were not developed in the appraisal. The appraisers gave the sales comparison approach primary consideration, in valuing the subject. Thus, the appraisers concluded that the subject's appraised value was \$475,000 as of January 1, 2006.

The appellant's evidence did not include any documentation that the property index number ("PIN") ending in -033 was appealed to the board of review. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The Cook County Board of Review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$212,072 was disclosed. The subject's final assessment yields a fair market value of \$558,084 when the 38% assessment level for class 5-17 property under the Cook County Classification of Real Property Ordinance is applied. In support of the subject's assessment, the board of review submitted a property record card for the subject, and raw sales data for four commercial retail properties located within five miles of the subject. The sales data was collected from the CoStar Comps service, and the CoStar Comps sheets state that the research was licensed to the assessor's office. However, the board of review included a memorandum which states that the submission of these comparables is not intended to be an appraisal or an estimate of value, and should not be construed as such. The memorandum further stated that the information provided was collected from various sources, and was assumed to be factual, accurate, and reliable; but that the information had not been verified, and that the board of review did not warrant its accuracy.

The suggested comparables contain one-story, commercial fast food restaurants that range in age from 13 to 23 years old, and in building size from 3,000 to 4,000 square feet of building area. However, the age for Comparable #4 was not disclosed. Comparables Sale #1 was not advertised on the open market as the buyer approached the seller directly. Additionally, the buyer was a tenant of the seller prior to the purchase. Comparable Sale #2 ostensibly included business value as part of the transaction, although the CoStar printouts were unable to determine the amount of the business value transferred. Comparable Sale #3 was sold as part of a portfolio divestment. Comparable Sale #4 was 100% leased at the time of the sale. Additionally, no real estate brokers were used in sales Comparables #1, #2, and #4. The properties sold from June 2006

to November 2004 in an unadjusted range from \$165,000 to \$2,145,573, or from \$55.00 to \$645.48 per square foot of building area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant reaffirmed the evidence previously submitted and waived the original request for an oral hearing.

At hearing, the appellant's attorney, Max Callahan, reaffirmed the evidence previously submitted through testimony elicited from Mr. Stamos. The Property Tax Appeal Board (the "Board") then asked Mr. Callahan if he had any evidence that the PIN ending in -033 was appealed to the board of review. Mr. Callahan responded that he had the Cook County Board of Review decision letter, and that the re-review decision letter was what the appellant included in the original evidence. The re-review decision did not address the -033 PIN, but the standard decision letter did. At this point, the Board accepted the standard decision letter into evidence without objection from the Cook County Board of Review Analyst, Colin Brady. Mr. Brady then rested on the evidence previously submitted.

After reviewing the record and considering the evidence, the 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. Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 339 Ill. App. 3d 529, 545 (1st Dist. 2002); National City Bank of Michigan/Illinois v. Prop. Tax Appeal Bd., 331 Ill. App. 3d 1038, 1042 (3d Dist. 2002) (citing Winnebago Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 313 Ill. App. 3d 179 (2d Dist. 2000)); 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. Calumet Transfer, LLC v. Prop. Tax Appeal Bd., 401 Ill. App. 3d 652, 655 (1st Dist. 2010); 86 Ill. Admin. Code. § 1910.65(c). Having considered the evidence presented, the Board finds that a reduction is warranted.

In determining the fair market value of the subject property, the Board finds the best evidence to be the appraisal submitted by the appellant. The appraisers utilized the sales comparison approach to value in determining the subject's market value. The Board finds this appraisal persuasive because the appraisers have experience in appraising, personally inspected the subject, and used similar properties in the sales comparison approach while providing adjustments that were necessary. The Board gives little weight to the board of review's comparables as the information provided was unadjusted raw sales data.

Therefore, the Board finds the subject had a market value of \$475,000 for tax year 2006. Since market value has been

determined, the Cook County Real Property Classification Ordinance as in effect for tax year 2006 shall apply. The subject is classified as a class 5-17 property. Therefore, the applicable assessment is 38% of the subject's fair market value, which equates to \$180,500. The subject's current total assessed value is higher than this value, and, therefore, the Board finds 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.



Chairman



Member



Member



Member



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: January 31, 2013



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.