FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Tommy Milutinovic
DOCKET NO.: 06-31245.001-R-1
PARCEL NO.: 17-20-401-047-0000

The parties of record before the Property Tax Appeal Board are Tommy Milutinovic, the appellant, by attorney Herbert B. Rosenberg, of Schoenberg Finkel Newman & Rosenberg LLC 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:	$ 5,520
IMPR.:	$ 18,768
TOTAL:	$ 24,288

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a three-story mixed use commercial and multi-family building of masonry construction containing 9,792 square feet of building area. The building is 115 years old and has a partial, unfinished basement.

The appellant submitted evidence before the Property Tax Appeal Board claiming overvaluation as the basis of the appeal. In support of the overvaluation argument, the appellant submitted an appraisal report prepared by a licensed appraiser in which a market value of $240,000 was estimated for the subject as of January 1, 2006. The Income and sales comparison approaches were utilized in the report. The income approach yielded a value of $240,000. The sales comparison approach, utilizing five comparable properties and applying adjustments, indicated a value of $230,000. Most weight was placed on the income approach. As a result, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of $54,571 was disclosed. The subject's assessment reflects a market value of $539,239 using the 2006 three year median level of assessments

for class 2 property of 10.12%. In support of the subject's assessment, the board of review offered the property characteristic sheets and a spreadsheet detailing four suggested comparable properties. The comparable properties consist of three-story masonry mixed-use commercial and multi-family buildings that are either 102 or 115 years old. They have partial, unfinished basements and one has a two-car garage. They range in size from 8,412 to 11,000 square feet and have improvement assessments ranging from $5.33 to $5.80 per square foot. The subject has an improvement assessment of $5.01 per square foot of building area. One comparable sold for $200,000 in May 2006. The board of review also submitted a list of sales prices and sales dates for 20 properties. However, descriptions of these properties were not submitted. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In written rebuttal, the appellant's attorney argued the board of review did not sufficiently address the market value issue raised by the appellant.

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 appellant claimed the subject property's assessment was not reflective of its true market value. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179, 183, 728 N.E.2d 1256 (2d Dist. 2000). The Board finds that based on the evidence contained in the record the appellant has sufficiently established overvaluation by a preponderance of the evidence and a reduction in the subject's total assessment is warranted.

The Board finds the appraisal report submitted by the appellant in which a market value of $240,000 was estimated for the subject on January 1, 2006 is the best evidence of the subject's market value as of the January 1, 2006 assessment date. The subject’s assessment reflects a market value of $539,239 and is in excess of the market value estimate contained in the recent appraisal report. The board of review submitted no evidence to refute the findings contained in the appraisal report. Moreover, the board of review failed to sufficiently address the appellant's market value contention. Raw sales data was submitted on one suggested comparable property. However, no adjustments were applied to this comparable and an opinion of value was not derived by the board of review using this data. Although a list of sales of properties in the subject’s neighborhood was submitted, there were no descriptions of these properties to compare with the subject. Thus, the Board finds the subject has a market value of $240,000 and the 2006 three-year median level of assessments for Cook County Real Property Assessment Classification Ordinance Class 2 property of 10.12% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code 1910.50(c)(2))

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: June 18, 2010

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.