



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

APPELLANT: Gavin Campbell
DOCKET NO.: 06-31810.001-R-1
PARCEL NO.: 17-06-104-009-0000

The parties of record before the Property Tax Appeal Board are Gavin Campbell, the appellant(s); and the Cook County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change 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: \$12,112
IMPR.: \$49,612
TOTAL: \$61,724

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 4,588 square foot parcel of land improved with a 113-year old, two-story, masonry, multi-family dwelling containing 3,793 square feet of living area, three apartment units, and four and two-half baths, one fireplace, and a full basement. The appellant argued both unequal treatment in the assessment process and that the market value of the subject property is not accurately reflected in the property's assessed valuation as the bases of this appeal.

In support of the equity argument, the appellant submitted information on a total of nine properties suggested as comparable and located within five blocks of the subject. The properties are described as two or three-story, masonry or stone, multi-family dwellings with two to five apartment units and two to five baths. In addition, five properties have either one or five fireplaces. No basement information was provided. The properties range: in age from 95 to 116 years; in size from 3,415 to 6,000 square feet of living area; and in improvement assessment from \$3.71 to \$12.35 per square foot of living area. These properties range in

land size from 2,676 to 12,426 square feet and in land assessment from \$1.90 to \$4.43. In addition, the appellant's documentation states the subject property received a 12% increase which is above the neighborhood average without further market data.

In support of the market value argument, the appellant documentation states the subject was 50% vacant during the assessment year. The appellant submitted a grid indicating the percentage of vacancy for the subject property during the 2006 assessment year with an average vacancy of 50%. In addition, the appellant submitted a document indicating the actual income and expenses for the subject for 2007.

Finally, the appellant has indicated that the PTAB issued a 2005 decision reducing the subject property's assessment and requested this amount "rollover" to the 2006 assessment year.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's improvement assessment of \$49,612 or \$13.08 per square foot of living area and land assessment of \$12,112 or \$2.64 per square foot were disclosed. The total assessment reflects a market value of \$385,775 using the level of assessment of 16% for Class 2 property as contained in the Cook County Real Property Assessment Classification Ordinance. In support of the subject's assessment, the board of review presented descriptions and assessment information on a total of four properties suggested as comparable and located within a quarter-mile of the subject. The properties are described as two or three-story, masonry, multi-family dwellings with three baths, and a full basement. In addition, two properties contain air conditioning and one contains a fireplace. The properties range: in age from 93 to 116 years; in size from 3,738 to 4,269 square feet of living area; and in improvement assessment from \$13.88 to \$15.29 per square foot of living area. The lots range in size from 3,004 to 4,725 square feet and in land assessment from \$2.64 to \$4.44 per square foot. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 not warranted.

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 land, the parties submitted a total of 13 properties suggested as comparable to the subject. The PTAB finds all the comparables are similar to the subject in size and location.

These properties range in lot size from 2,676 to 12,246 square feet and in land assessment from \$1.90 to \$4.44 per square foot with a majority of the properties assessed at \$2.64 per square foot. In comparison, the subject's land assessment of \$2.64 per square foot of living area is within the range of comparables. After considering adjustments and the differences in both parties' comparables when compared to the subject, the PTAB finds the subject's per square foot improvement assessment is supported and a reduction in the subject's assessment is not warranted.

As to the improvement, the parties submitted a total of 13 properties suggested as comparable to the subject. The PTAB finds the appellant's comparables #3, #5 and #9 and the board of review's comparables are the most similar to the subject in size, construction, and age. Therefore, these properties were given the most weight. These properties are masonry, two or three-story, multi-family dwellings located within a quarter-mile of the subject. The properties range: in age from 93 to 116 years; in size from 3,415 to 4,269 square feet of living area and in improvement assessments from \$3.71 to \$15.29 per square foot of living area. In comparison, the subject's improvement assessment of \$13.08 per square foot of living area is within the range of comparables. After considering adjustments and the differences in both parties' comparables when compared to the subject, the PTAB finds the subject's per square foot improvement assessment is supported and a reduction in the subject's assessment is not 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, 331 Ill.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 PTAB concludes that the evidence indicates a reduction is not warranted.

The appellant submitted documentation showing the income of the subject property. The PTAB gives the appellant's argument little weight. In Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970), the court stated:

[I]t is the value of the "tract or lot of real property" which is assessed, rather than the value of the interest presently held. . . [R]ental income may of course be a relevant factor. However, it cannot be the controlling factor, particularly where it is admittedly misleading as to the fair cash value of the property involved. . . [E]arning capacity is properly regarded as the most significant element in arriving at "fair cash value".

Many factors may prevent a property owner from realizing an income from property that accurately reflects its true earning capacity; but it is the capacity for earning income, rather than the income actually derived, which reflects "fair cash value" for taxation purposes. Id. at 431.

Actual expenses and income based on vacancy can be useful when shown that they are reflective of the market. Although the appellant made this argument, the appellant did not demonstrate through an expert in real estate valuation that the subject's actual income and expenses are reflective of the market. To demonstrate or estimate the subject's market value using income, one must establish, through the use of market data, the market rent, vacancy and collection losses, and expenses to arrive at a net operating income reflective of the market and the property's capacity for earning income. The appellant did not provide such evidence and, therefore, the PTAB gives this argument no weight and finds that a reduction is not warranted.

As to the appellant's argument that the subject property should receive the same assessment as the Board decision for the previous year. The Property Tax Appeal Board Rules state:

If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225 of the Code, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review.

86 Ill. Adm. Code 1910.50(i). The PTAB finds that the subject property does not qualify for a reduction under this rule. The reassessment year for the township where the subject property is located is 2006. Under the rules, the assessment shall remain in effect only until this new reassessment year. In addition, the subject is a multi-family apartment building and the appellant's own petition indicates the appellant's address differs from the location of the subject property. Therefore, the PTAB finds that the rules prohibit application of the 2005 assessment to the 2006 assessment year and no 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 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: October 22, 2010

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.