FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Lyuba Nisnevich
DOCKET NO.: 07-22406.001-R-1
PARCEL NO.: 10-22-328-046-0000

The parties of record before the Property Tax Appeal Board are Lyuba Nisnevich, the appellant(s), by attorney James R. FortCamp, of Seyfarth Shaw LLP 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:	$ 5,950
IMPR.:	$ 65,836
TOTAL:	$ 71,786

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property has 4,649 square feet of land, which is improved with a 78 year old, three-story, masonry, apartment building containing 6,057 square feet of living area. The subject includes six baths, and a full unfinished basement. The subject is located in Niles Township, Cook County. The appellant argued that there was unequal treatment in the assessment process, and that the subject was overvalued as the bases for this appeal.

In support of the equity argument, the appellant, via counsel, submitted descriptive and assessment information on three properties suggested as comparable to the subject. These properties are described as three-story, masonry, apartment buildings that are from 78 to 83 years old, and contain from 6,387 to 7,256 square feet of living area. Additionally, the suggested comparables have from three to six baths, all of the properties have a garage, ranging from a two-car to a three-car garage, and either a full unfinished basement, or a slab. These suggested comparables have improvement assessments ranging from $12.05 to $12.40 per square foot of living area.

In support of the market value argument, the appellant submitted an appraisal undertaken by Lawrence D. Merzel of Metropolitan

Appraisers, Inc. The appraisal report states that Merzel is licensed as a State of Illinois certified residential real estate appraiser. The appraiser stated that the subject had an estimated market value of $715,000 as of January 1, 2007. The appraisal report utilized the cost approach to value, the income approach to value, and the sales comparison approach to value to estimate the market value for the subject property. The appraisal report states that Merzel personally inspected the subject property, and that the subject's highest and best use as improved is its present use.

Under the cost approach to value, the appraiser estimated the subject's land value to be $285,000. The improvement's replacement cost new was estimated to be $683,410, plus $35,000 worth of "as-is" site improvements. The appraiser then deducted 40.00% from the replacement cost new and the site improvements to account for depreciation of the improvement. The appraiser then added the estimated land value, the "as-is" site improvements, and the value of the depreciated replacement cost to arrive at a value under the cost approach to value of $716,046.

Under the income approach to value, the appraiser analyzed the rents of three suggested comparable nearby properties to estimate a potential gross income of $55,800 for the subject. Vacancy and collection losses were estimated to be $1,674, and expenses were estimated to be $32,000, for a net operating income of $22,126. A gross rent multiplier of 7.00% was utilized to estimate a value under the income approach to value of $315,000, rounded.

Under the sales comparison approach, the appraiser analyzed the sales of three suggested comparables, which are described as two-story or three-story, masonry, apartment buildings that are from 43 to 56 years old, and contain from 4,020 to 4,570 square feet of living area. These suggested comparables sold from July 2005 to July 2007 for between $615,000 and $703,500, or from $150.55 to $165.72 per square foot of living area, including land. The appraiser adjusted each of the comparables for pertinent factors. Based on the similarities and differences of the comparables when compared to the subject, the appraiser estimated a value for the subject under the sales comparison approach to value of $715,000.

The appraiser gave the most weight to the sales comparison approach to value. Thus, the appraiser concluded that the subject's appraised value was $715,000 as of January 1, 2007. 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 $83,217 was disclosed. The subject's final assessment yields a fair market value of $828,855 when the 2007 Illinois Department of Revenue three-year median level of assessment for Class 2 properties of 10.04% is applied. In support of the subject's assessment, the board of review presented descriptive and

assessment information on two properties suggested as comparable to the subject. These properties are described as three-story, masonry, apartment buildings that are from 49 to 80 years old, and contain from 4,561 to 5,121 square feet of living area. Additionally, the suggested comparables have from three to five baths, one of the properties has three fireplaces, one of the properties has a two-car garage, and either a full unfinished basement, or a full basement with a formal recreation room. These suggested comparables have improvement assessments ranging from $14.03 to $14.99 per square foot of living area. The subject's improvement assessment is $12.76 per square foot of living area.

The board of review also submitted a list of sales of properties located within the subject's neighborhood. This list included the property identification number, deed number, the date of the sale, and the sale price for 20 properties. No further information was provided regarding these properties. 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 (the "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 this 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. Walsh v. Prop. Tax Appeal Bd., 181 Ill. 2d 228, 234 (1998) (citing Kankakee Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 131 Ill. 2d 1 (1989)); 86 Ill. Admin. Code § 1910.63(e). To succeed in an appeal based on lack of uniformity, the appellant must submit documentation "showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property." Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 403 Ill. App. 3d 139, 145 (1st Dist. 2010); 86 Ill Admin. Code § 1910.65(b). "[T]he critical consideration is not the number of allegedly similar properties, but whether they are in fact 'comparable' to the subject property." Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 403 Ill. App. 3d at 145 (citing DuPage Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 284 Ill. App. 3d 649, 645-55 (2d Dist. 1996)). After an analysis of the assessment data, the Board finds that the appellant has not met this burden.

The Board finds that all of the comparables submitted by the appellant, and Comparable #1 submitted by the board of review were most similar to the subject in location, size, style, exterior construction, features, and/or age. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables had improvement assessments that ranged from $12.05 to $14.03 per square foot of living area. The subject's improvement assessment

of $12.76 per square foot of living area is within the range established by the most similar comparables. Therefore, after considering adjustments and differences in both parties' comparables when compared to the subject, the Board finds that the subject's improvement assessment is equitable, and a reduction in the subject's assessment is not warranted based on equity.

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 the evidence indicates 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 appraiser utilized the cost approach to value, the income approach to value, and the sales comparison approach to value in determining the subject's market value. The Board finds this appraisal persuasive because the appraiser has experience in appraising, personally inspected the subject property, reviewed the property's history, 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 evidence as the information provided did not address the appellant's market value argument.

Therefore, the Board finds the subject had a market value of $715,000 for the 2007 assessment year. Since the market value of this parcel has been established, the 2007 Illinois Department of Revenue three-year median level of assessment for Class 2 property of 10.04% will apply. 86 Ill. Admin. Code § 1910.50(c)(2)(A). In applying this level of assessment to the subject, the total assessed value is $71,786, while the subject's current total assessed value is above this amount. 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.

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: February 22, 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.