



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

APPELLANT: 4740 Washinton LLC
DOCKET NO.: 07-23074.001-C-1
PARCEL NO.: 14-08-408-010-0000

The parties of record before the Property Tax Appeal Board are 4740 Washinton LLC, the appellant(s), by attorney Joanne Elliott, of Elliott & Associates, P.C. in Des Plaines; 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: \$78,650
IMPR: \$218,374
TOTAL: \$297,024

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 14,300 square foot parcel of land improved with an 81-year old, three-story, masonry, apartment building containing 37,219 square feet of building area and 37 apartment units. The appellant, via counsel, argued both the market value of the subject property is not accurately reflected in the property's assessed valuation and that there was unequal treatment in the assessment process of the improvement as the bases of this appeal.

In support of the market value argument, the appellant submitted an income analysis consulting report undertaken by Ronda Sandic and Gary T. Peterson of First Real Estate Services, Ltd. The report indicates Sandic is a State of Illinois certified real estate appraisers and Peterson hold a MAI designation. The consultants indicated the subject has an estimated market value of \$1,275,000 as of January 1, 2006. The report utilized income analysis to estimate the market value for the subject property. The appraisal finds the subject's highest and best use is its current use.

In the income analysis, the appraisers analyzed the rents of eight properties to estimate potential gross income at \$278,820. Vacancy and collection were estimated at 7% while other miscellaneous income was estimated at \$5,000. Historic data and market data were examined to estimate expenses at \$118,671 to arrive at a net operating income of \$145,632. Using the band of investments and market data methods, a loaded capitalization rate of 11.42% was utilized to estimate a value under the income approach of \$1,275,000, rounded.

In support of the equity argument, the appellant submitted assessment data and descriptions on six properties suggested as comparable to the subject. The data in its entirety reflects that the properties are improved with a two or three-story, masonry, apartment buildings with between 31 and 42 apartment units. The properties range: in age from 57 to 82 years; in size from 18,195 to 19,585 square feet of building area; and in improvement assessment from \$2,099 to \$5,902 per unit. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's improvement assessment was \$271,723, or \$7,344 per apartment unit with a total assessment of \$350,373. The subject's final assessment reflects a fair market value of \$1,592,605 when the Cook County Real Property Assessment Classification Ordinance level of assessments of 22% in 2007 for Class 3 properties is applied. In support of the assessment, the board submitted copies of the property characteristic printouts for the subject as well as sales data on five apartment buildings located within the subject's market. The properties are described as masonry, three-story, apartment buildings with between 17 and 64 units and 31,250 to 35,000 square feet of building area. Sales comparable #2 has two buildings which sold at \$3,850,000 for the apartment building and \$1,650,000 for the retail building. In reviewing only the apartment sales, the sales occurred between July 1995 and July 2005 for prices ranging from \$1,320,000 to \$4,700,000 or from \$41.04 to \$138.24 per square foot of building area or from \$33,000 to \$226,471 per unit.

The board of review also included information regarding the sale of the subject on April 11, 2006 for \$3,638,000. This documentation included a copy of the trustee deed. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant's attorney asserted that the subject's assessment should be reduced based on the income analysis submitted into evidence. She asserted that the assessed values assigned the subject and comparables have changed for 2006, 2007 and 2008 due to a change in the level of assessment for apartment buildings, but that the market value remained the same. The attorney asserted that the instant matter is distinguishable from

the Omni matter in that that decision was specific to that case and was not a purely income producing property.

The board of review's representative rested on the evidence previously submitted.

After considering the evidence and reviewing the record, the Property Tax Appeal 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. 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 based on market value is not warranted.

As to the market value argument, the courts have stated that where there is credible evidence of comparable sales, these sales are to be given significant weight as evidence of market value. Chrysler Corp. v. Illinois Property Tax Appeal Board, 69 Ill.App.3d 207 (2nd Dist. 1979); Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (5th Dist. 1989). Therefore, the PTAB will give primary weight to the sales included in the evidence.

As to the sale of the subject, the PTAB finds the arm's length nature of the sale is questionable. The appellant submitted the contract showing the subject was a 1031 exchange, established by federal law, which had to be completed within a certain period of time. Because of this condition of the sale, the PTAB finds that market value has not been proven by the sale.

The PTAB finds the best evidence of market value is sales comparables #1 through #4 submitted by the board of review. Sale comparable #5 is given little weight due to its sale date in 1995. The sales occurred between March 2000 and July 2005 for prices ranging from \$2,960,000 to \$4,700,000 or from \$41.04 to \$138.24 per square foot of building area or \$47,500 to \$226.471 per unit. The subject property's assessment reflects a fair market value of \$1,592,605 or \$42.79 per square foot of building area or \$43,043 per unit. The PTAB finds this value is below the range of the suggested comparables and that a reduction based on market value is not warranted.

Further, the PTAB gives little weight to the appellant's income analysis. This analysis did not include any market sales or justify why sales were not included within the analysis. The court has held that "[w]here the correctness of the assessment

turns on market value and there is evidence of a market for the subject property, a taxpayer's submission that excludes the sales comparison approach in assessing market value is insufficient as a matter of law." Cook County Board of Review v. Illinois Property Tax Appeal Board (Omni), 384 Ill. App. 3d 472 at 487, 894 N.E.2d 400 (1st Dist. 2008).

The appellant also made an equity argument. Appellants 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, 544 N.E.2d 762 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. Proof of assessment inequity should include assessment data and documentation establishing the physical, locational, and jurisdictional similarities of the suggested comparables to the subject property. Property Tax Appeal Board Rule 1910.65(b). Mathematical equality in the assessment process is not required. A practical uniformity, rather than an absolute one is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill. 2d 395, 169 N.E.2d 769 (1960). Having considered the evidence presented, the PTAB concludes that the appellant has met this burden and that a reduction is warranted.

The appellant presented data on a total of six equity comparables. The PTAB finds these comparables similar to the subject. The properties range: in age from 57 to 82 years; in size from 18,195 to 19,585 square feet of building area; and in improvement assessment from \$2,099 to \$5,902 per unit. In comparison, the subject's improvement assessment of \$7,344 per apartment unit is above the range of comparables.

After considering adjustments and the differences in the comparables when compared to the subject, the PTAB finds the subject's improvement assessment is not supported and a reduction in the subject's assessment based on equity 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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J. R.

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 24, 2012

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.