



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

APPELLANT: Carlos Martinez
DOCKET NO.: 07-23364.001-R-1
PARCEL NO.: 15-02-115-042-0000

The parties of record before the Property Tax Appeal Board are Carlos Martinez, the appellant(s), by attorney Scott Shudnow, of Shudnow & Shudnow, Ltd. 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: \$3,960
IMPR.: \$23,650
TOTAL: \$27,610

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 4,500 square foot parcel of land improved with a 44-year old, two-story, masonry, multi-family dwelling containing 3,510 square feet of building area. The subject includes six units, six baths, and a full finished basement. The appellant argued that the market value of the subject property is not accurately reflected in its assessed value.

In support of the market value argument, the appellant submitted a copy of the appraisal that was undertaken by Stacy Ann Sherrier of Baird & Warner Real Estate & Appraisals. The report indicates that Ms. Sherrier is a State of Illinois certified general appraiser. The appraiser indicated the subject has an estimated market value of \$275,000 as of January 1, 2005. The appraisal report utilized the income, cost, and sales comparison approaches to value to estimate the market value for the subject property. The appraisal report included exterior photographs of the subject's improvement and comparables and a location map of the subject property. The appraisal finds highest and best use in its present use.

The appraisal stated that the subject was improved with a 44-year old, masonry, multi-family dwelling containing six units. The

dwelling is in overall fair condition. The appraiser personally inspected the property.

Under the cost approach, the appraiser indicated that the site value is \$175,000 for the subject property. In estimating a replacement cost new for the subject, he opined a cost of \$238,250. Less depreciation resulted in a depreciation cost of the improvements at \$71,475. Adding the land value resulted in a market value estimate under this approach of \$246,475.

Under the sales comparison approach, the appraiser analyzed the sale of three multi-family dwellings located within the subject's market. The properties contain between five and six units and five to six baths. The comparables sold from May 2002 to August 2005 for prices ranging from \$405,000 to \$485,000. 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 was \$355,000.

Under the income approach, the appraiser indicated that the gross annual rental income is \$49,980. The appraiser calculated the market value using the income approach by dividing the total net annual income by the capitalization rate of 7%. The estimated value for the subject under the income approach was \$214,014

The appraiser indicated that most weight was accorded to the income comparison approach to value. However, the appraiser utilized all three approaches to value with considerations taken for the subject's property's inferior condition to its comparables regarding less rental income, higher expense ratio and worse physical condition than its three comparables in reconciling a final value estimate of \$275,000 for the subject property. Based upon this data, the appellant requested a reduction in the subject's market value.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$39,721 was disclosed. This assessment reflects a market value of \$571,191 using the Illinois Department of Revenue's 2007 three-year median level of assessment for class 2 property of 10.04%. In support of the subject's assessment, the board of review submitted descriptions and assessment information for three properties located within the subject's neighborhood. These properties are described as two-story, masonry, multi-family dwellings with six baths and full finished basement for two of the properties. The properties range in age from 42 to 44 years old and in improvement assessments from \$9.86 to \$10.10 per square foot of building area. The three properties all contain 3,510 square feet of building area. In addition, the board of review submitted sales data for comparable #1 which sold in November 2004 for \$450,000 or \$128.21 per square foot of building area, including land. 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.

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 (3d Dist. 2002; Winnbago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d (2d 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 Board concludes that the evidence indicates a reduction in the subject's assessment is warranted.

In determining the fair market value of the subject property, the Board finds that best evidence is the appellant's appraisal. The Board finds this appraisal to be persuasive because the appraiser personally inspected the interior and exterior of the subject property, and utilized market data to obtain sales comparables while providing sufficient detail regarding each sale in estimating the subject's market value.

Therefore, the Board finds that the subject property contained a market value of \$275,000 for the tax year 2007. Since the market value of the subject has been established, the median level of assessment as determined by the Illinois Department of Revenue's 2007 three year median for class 2, residential property of 10.04% will apply. In applying this level of assessment to the subject, the total assessed value is \$27,610 while the subject's current total assessed value is above this amount at \$39,721. 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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

J. R.

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: October 19, 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.