



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

APPELLANT: Paul Swierczek
DOCKET NO.: 07-24102.001-I-1
PARCEL NO.: 08-27-400-024-0000

The parties of record before the Property Tax Appeal Board are Paul Swierczek, the appellant(s), by attorney Arnold G. Siegel, of Siegel & Callahan, P.C. 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: \$34,882
IMPR.: \$109,118
TOTAL: \$144,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 22,799 square foot parcel of land improved with a 34 year old, one-story, masonry constructed, industrial/warehouse building. The property is located in Elk Grove Township, Cook County. The appellant contends overvaluation as the basis of the appeal.

In support of this argument the appellant submitted a narrative appraisal estimating the subject property had a market value of \$400,000 as of January 1, 2007. The appraisal was undertaken by Brian M. Rubin and George K. Stamas of Meridian Appraisal and Consulting Group, Ltd. The appraisal indicates the appraisers are State of Illinois certified general appraisers. In estimating the market value of the subject property the appraisal contained the sales comparison approach to value.

The report stated that an interior and exterior inspection of the property was made on July 3, 2007. The appraisal describes the subject as containing 8,940 square feet of building area. The

appraisal finds the subject's highest and best use as improved is its existing use.

The appraisal states the subject sold in September 2006 for an amount, in the appraisers' opinions, above market level. The appraisal stated the owner reported a short expiration date on the previous lease and could not sufficiently search the market for another adequate location.

Under the sales comparison approach, the appraisers analyzed the sales of four masonry, one-story, industrial buildings located within the subject's market. The properties range in age from 24 to 37 years and in size from 10,000 to 14,500 square feet of building area. The comparables sold from September 2004 to April 2005 for prices ranging from \$450,000 to \$652,500, or from \$43.75 to \$45.83 per square foot of building area, including land. The appraisers adjusted each of the comparables for pertinent factors. Based on the similarities and differences of the comparables when compared to the subject, the appraisers estimated a value for the subject under the sales comparison approach of \$45.00 per square foot of building area or \$400,000, rounded.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$197,488 was disclosed. The subject's assessment reflects a market value of \$548,577, including land, when applying the 36% Ordinance level of assessments for class 5b commercial property. The board of review lists the subject as containing 9,065 square feet of building area.

In support of the assessment the board of review submitted information on seven comparables sales. The comparables were improved with industrial buildings that ranged in size from 7,635 to 10,978 square feet of building area. These properties sold from December 2002 to May 2006 for prices ranging from \$490,500 to \$740,000 or from \$56.87 to \$74.00 per square foot of building area, including land. The board of review also included evidence of the sales of the subject in September 2006 for \$760,000 and in February 2004 for \$715,000. This evidence indicates the property was advertised for sale in the 2006 transaction and no evidence was provided to establish the arm's length nature of the 2004 sale. 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 the appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

The appellant contends overvaluation as the basis of the appeal. When market value is the basis of the appeal the value of the property must be proved 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). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

In determining the fair market value of the subject property, the PTAB finds the best evidence to be the appellant's appraisal. The appellant's appraisers utilized the sales comparison approach to value in determining the subject's market value. The PTAB finds this appraisal to be persuasive for the appraisers: have experience in appraising; personally inspected the subject property and reviewed the property's history; and used similar properties in the sales comparison approach while providing sufficient detail regarding each sale as well as adjustments that were necessary. The PTAB gives little weight to the board of review's evidence as the documentation is raw sales data. The PTAB also finds the subject's 2006 sale was not at market value and that the board of review failed to establish that the sale of the subject in 2004 was arm's length sales and both sales are given little weight.

Therefore, the PTAB finds the subject had a market value of \$400,000 for the 2007 assessment year. Since the market value of this parcel has been established, the 36% Cook County Ordinance level of assessment for class 5b commercial property will apply. In applying this level of assessment to the subject, the total assessed value is \$144,000 while the subject's current total assessed value is above this amount. Therefore, the PTAB 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

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 22, 2013

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.