FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Haim Brody
DOCKET NO.: 07-25060.001-C-1 through 07-25060.002-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Haim Brody, the appellant(s), by attorney Howard W. Melton, of Howard W. Melton and Associates in Chicago; 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
07-25060.001-C-1	20-27-100-036-0000	15,105	42,213	$57,318
07-25060.002-C-1	20-27-100-008-0000	10,271	24,543	$34,814

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of two parcels. Parcel Number (PIN) 20-27-100-036-0000 (hereinafter PIN "036") is improved with a one-story, brick constructed, commercial building with 3,750 square feet of building area. The building was constructed in 1956. The subject property has a 7,950 square foot site resulting in a land-to-building ratio of 2.12:1. PIN 20-27-100-008-0000 (hereinafter "008") is improved with a one-story commercial building of brick construction that contains 2,096 square feet of building area. This building was constructed in approximately 1930. PIN 008 has 5,406 square feet of land area resulting in a land-to-building ratio of 2.58:1. Both PINs are classified as a class 5-17 one-story commercial buildings under the Cook County Real Property Assessment Classification Ordinance (hereinafter "Ordinance") and are to be assessed at 38% of market value.

The appellant is challenging the assessment for the 2007 tax year contending overvaluation as the basis of the appeal. In support of this argument the appellant submitted a limited summary appraisal report prepared by certified general real estate appraiser James A. Matthews of James A. Matthews, Inc. The appraisal was for PIN 036, which Matthews estimated had a market

value of $115,000 as of January 1, 2006. The appellant submitted no evidence to challenge the assessment for PIN 008.

The purpose of the appraisal was to estimate the market value of the real estate described in the report in order to establish an equitable ad valorem tax assessment. The property rights appraised were the fee simple title, assuming no liens, or encumbrances other than normal covenants and restrictions of record such as zoning and real estate taxes. The appraisal described the real estate as being identified by property index number 20-27-100-036. (Appraisal at page 13.) The appraiser also determined the existing structure to be highest and best use of the subject as improved.

In estimating the market value of the PIN 036 the appraiser developed only the sales comparison approach to value. The appraiser utilized five sales located in Chicago that were improved with one-story buildings that ranged in size from 3,800 to 6,600 square feet of building area. The comparables were constructed from 1913 to 1960. These properties had sites that ranged in size from 6,000 to 9,450 square feet of land area resulting in land-to-building ratios ranging from 1.07:1 to 1.85:1. These comparables sold from March 2002 to November 2002 for prices ranging from $105,000 to $150,100 or from $21.00 to $30.63 per square foot of building area including land. The report contained an adjustment grid for such factors as rights, sale conditions, financing, sale date, location, zoning, building condition, building size, land-to-building ratio, amenities and utility/shape. The appraiser made quantitative adjustments to the comparables for sale date, building size and land-to-building ratio to arrive at adjusted prices ranging from $24.78 to $35.22 per square foot of building area. Based on these sales the appraiser estimated the PIN 036 had a market value of $31.00 per square foot of building area or $115,000, rounded, including land.

The appellant submitted a copy of the board of review decision disclosing PIN 036 had a total assessment of $57,318 and PIN 008 had a total assessment of $34,814.

Based on this evidence the appellant requested the assessment for PIN 036 be reduced to $27,187 and the assessment for PIN 008 be reduced to $16,513.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of both PINs totaling $92,132. PIN 036 had a total assessment of $57,318, which reflects a market value of approximately $150,837 or $40.22 per square foot of building area, including land.

In support of the subject's assessment the board of review provided a memorandum from Ralph F. DiFebo, Jr., with information on four comparable sales. The memorandum stated the appellant submitted the same appraisal in the 2007 appeal as in the 2006 appeal. The memorandum further noted the appraisal was for PIN

036 and not PIN 008. The memorandum asserted that market area was surveyed to locate comparable sales but the sales were not adjusted for market conditions such as time, location, age, size, land-to-building ratio, parking, zoning and other related factors. It further stated that the memorandum was not intended to be an appraisal or estimate of value.

The board of review sales were improved with commercial buildings located in Chicago that ranged in size from 4,300 to 9,416 square feet of building area. The information provided by the board of review indicated that three of the buildings were built from 1916 to 1926. The age of one comparable was not disclosed. The data also indicated four of the comparables had sites that ranged in size from 4,800 to 17,498 square feet of land area resulting in land-to-building ratios ranging from 1.12:1 to 1.98:1. The land area of one comparable was not provided. The data further disclosed that comparable #2 was improved with two, two-story buildings. The sales occurred from June 2003 to January 2008 for prices ranging from $250,000 to $626,000 or from $42.37 to $69.53 per square foot of building area, including land.

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 does not support 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

Initially the Board finds the appellant submitted no evidence to challenge the assessment of PIN 008. Therefore, the Board finds the appellant did not meet the burden of going forward to challenge the correctness of the assessment of PIN 008 and no assessment reduction in the assessment of this PIN is justified on this record. (See 86 Ill.Admin.Code §1910.63(b)).

The appellant did submit an appraisal to challenge the assessment on PIN 036. The record disclosed the PIN 036 had a total assessment of $57,318, which reflects a market value of approximately $150,837 or $40.22 per square foot of building area, including land, when applying the Ordinance level of assessment for class 5-17 property of 38%. The appellant's appraisal estimated PIN 036 had a market value of $115,000 as of January 1, 2006. The Board finds the estimate of value is not credible in light of the fact the appraiser only developed the sales comparison approach to value using sales that occurred from

March 2002 to November 2002, or in excess of four years prior to the assessment date at issue. Although the appraiser made a 12% positive adjustment to each comparable for date of sale that adjustment was only to the January 1, 2006 valuation date and not to the January 1, 2007 assessment date under appeal. Additionally, the Board finds there was nothing in the record to validate the percentage used. The board of review had four comparables; however, the Property Tax Appeal Board finds comparable sale #2 differed from the subject in style being improved with two, two-story buildings. Therefore, no weight was given this comparable sale. The three remaining comparables were relatively similar to the subject in size and sold more proximate in time to the assessment date at issue, although two sold after the January 1, 2007 date of value. These three properties sold from June 2003 to January 2008 for prices ranging from $250,000 to $315,000 or from $42.37 to $69.53 per square foot of building area, including land. These sales indicate the assessment for PIN 036 is reflective of the property's market value.

In conclusion, after considering all the sales submitted by the parties, the Board finds the assessment for PIN 036 as established by the board of review is correct and a reduction is not justified.

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: March 23, 2012

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.