



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

APPELLANT: Scott & Joseph Peota
DOCKET NO.: 07-25972.001-I-1 through 07-25972.006-I-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Scott & Joseph Peota, 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
07-25972.001-I-1	13-24-315-008-0000	7,902	0	\$7,902
07-25972.002-I-1	13-24-315-009-0000	7,878	0	\$7,878
07-25972.003-I-1	13-24-315-010-0000	28,687	16,949	\$45,636
07-25972.004-I-1	13-24-315-011-0000	9,562	31,213	\$40,775
07-25972.005-I-1	13-24-315-012-0000	9,562	31,213	\$40,775
07-25972.006-I-1	13-24-315-018-0000	66,937	13,297	\$80,234

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 43,744 square feet of land that is improved with a 75 year old, one-story, masonry, commercial building with 31,061 square feet of building area. At the time of this appeal, the subject was being used as a photography studio. The subject's total assessment was \$294,776, which equates to a fair market value of \$818,822 when the 36% assessment level for class 5-80 property under the Cook County Classification of Real Property Ordinance is applied. The appellant, via counsel, argued that the subject's market value was not accurately reflected in its assessment.

In support of the market value argument, the appellant submitted an appraisal, which stated that the subject had an estimated market value of \$620,000 as of January 1, 2006, based on the income approach to value, and the sales comparison approach to value. The appraisal states that the appraiser personally inspected the subject, and that the subject's highest and best

use as improved is its current use. 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 \$294,776 was disclosed. In support of the subject's assessment, the board of review submitted a property characteristic printout for the subject, and raw sales data for six industrial warehouse properties, and located within three miles of the subject. The sales data was collected from the CoStar Comps service, and the CoStar Comps sheets state that the research was licensed to the assessor's office. However, the board of review included a memorandum which states that the submission of these comparables is not intended to be an appraisal or an estimate of value, and should not be construed as such. The memorandum further stated that the information provided was collected from various sources, and was assumed to be factual, accurate, and reliable; but that the information had not been verified, and that the board of review did not warrant its accuracy.

The suggested comparables contained industrial warehouse buildings that are 36 to 90 years old, and range in size from 30,000 to 37,970 square feet of building area. However, the age for Comparable #3 was not disclosed. The properties sold from January 2004 to December 2008 in an unadjusted range from \$990,000 to \$10,081,333, or from \$26.54 to \$287.24 per square foot of building area, land included. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant's attorney, Panagiota Fortsas, reaffirmed the evidence previously submitted, through testimony elicited from John Stephen O'Dwyer, MAI, MRICS, of JSO Valuation Group, Ltd., the appellant's appraiser. Mr. O'Dwyer also testified that he would attribute the same market value for the subject as is stated in the appraisal to tax year 2007. Ms. Fortsas also asked the Board to take judicial notice of an agreement between the parties for the subject's 2008 assessment, which was reached in the Cook County Circuit Court. This agreement shows that the subject's total assessed value was \$259,000 for tax year 2008, and was entered by The Honorable Judge Robert W. Bertucci on January 17, 2012. This agreement was accepted into evidence, without objection from the board of review, and marked as Appellant's Hearing Exhibit #1.

The Cook County Board of Review Analyst, Colin Brady, rested on the evidence previously submitted. In rebuttal, Ms. Fortsas cross-examined Mr. Brady, and asked whether any adjustments were made to the board of review's comparables. Mr. Brady answered that he had no personal knowledge as to whether any adjustments were made. Upon further cross-examination, Mr. Brady admitted that, if adjustments were made, they would have been included in the board of review's evidence; and that since the evidence did not list any adjustments, it was likely no adjustments were made. Ms. Fortsas also cross-examined Mr. Brady about the

characteristics and sale conditions of the board of review's comparables.

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.

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). Evidence showing that the subject received a reduction in a later assessment year is admissible, and can be a relevant factor in determining whether the assessment for the tax year at issue is grossly excessive. Hoyne Savings & Loan Ass'n v. Hare, 60 Ill. 2d 84, 90 (1974). However, when such evidence is taken into account, consideration must be given to any changes in the property that may have changed the subject's assessed value. Id. Having considered the evidence presented, the Board concludes that the evidence indicates a reduction is warranted.

In determining the fair market value of the subject property, the Board finds that, under Hoyne, it can consider the 2008 agreement entered into between the parties as evidence that the subject's 2007 assessment was "grossly excessive." Thus, the Board finds the 2007 assessment was excessive, and finds that the best evidence of the subject's fair market value is the appraisal submitted by the appellant. The appraiser utilized the income and sales comparison approaches 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, 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 comparables as the information provided was unadjusted raw sales data.

Therefore, the Board finds the subject had a market value of \$620,000 for tax year 2007. Since market value has been determined, the Cook County Real Property Assessment Classification Ordinance as in effect for tax year 2007 shall apply. The subject is classified as a class 5-80 property. Therefore, the applicable assessment is 36% of the subject's fair market value, which equates to \$223,200. The subject's current

Docket No: 07-25972.001-I-1 through 07-25972.006-I-1

total assessed value is higher than this value, and, therefore, the Board finds 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: April 19, 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.