



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

APPELLANT: Harlem Court Condo Assoc.  
DOCKET NO.: 07-26264.001-R-1 through 07-26264.012-R-1  
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Harlem Court Condo Assoc., the appellant, by attorney Lisa A. Marino, of Marino & Assoc., PC 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
07-26264.001-R-1	12-24-423-045-1001	1,224	13,764	\$14,988
07-26264.002-R-1	12-24-423-045-1002	1,061	1,193	\$2,254
07-26264.003-R-1	12-24-423-045-1003	1,061	1,193	\$2,254
07-26264.004-R-1	12-24-423-045-1004	1,224	13,764	\$14,988
07-26264.005-R-1	12-24-423-045-1005	1,306	1,468	\$2,774
07-26264.006-R-1	12-24-423-045-1006	1,134	1,275	\$2,409
07-26264.007-R-1	12-24-423-045-1007	1,061	1,193	\$2,254
07-26264.008-R-1	12-24-423-045-1008	1,224	13,764	\$14,988
07-26264.009-R-1	12-24-423-045-1009	5,338	52,518	\$57,856
07-26264.010-R-1	12-24-423-045-1010	3,106	11,656	\$14,762
07-26264.011-R-1	12-24-423-045-1011	2,795	9,432	\$12,227
07-26264.012-R-1	12-24-423-045-1012	2,795	9,432	\$12,227

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a 12,345 square foot parcel of land improved with a 55-year old, two-story, mixed-use condominium building. The improvement contains 16,000 square feet and has four commercial units and eight apartments. The appellant argued that the subject's market value is not accurately reflected in its assessment as the basis of this appeal.

In support of the market value argument, the appellant submitted three suggested comparable properties located 4.75 to 5.5 miles from the subject property. One of the comparables is a commercial building while two of the comparables are apartment buildings. These comparables range in age from 61 to 85 years old and range in size from 12,700 to 16,250 square feet of building area. These properties sold from August 2003 to May 2004 for prices ranging from \$400,000 to \$975,000 or \$30.87 to \$44.21 per square foot of building area. The appellant also submitted a 2007 vacancy affidavit for one of the units, identified by PIN 1009, in the subject building. The affidavit indicated the unit experienced 11% vacancy in 2007. Based on this evidence, the appellant requested a reduction in the subject's assessment.

At hearing, the appellant's attorney indicated that the board of review granted a 2008 one year only assessment reduction to the subject building's PIN 1009. The appellant's attorney argued that the PIN 1009's 2007 assessment should be reduced pursuant to Hoyne Savings & Loan Assoc. v. Hare, 60 Ill.2d 84, 90, 322 N.E.2d 833, 836 (1974); 400 Condominium Assoc. v. Tully, 79 Ill.App.3d 686, 690, 398 N.E.2d 951, 954 (1<sup>st</sup> Dist. 1979) wherein the court found, "a substantial reduction in the subsequent year's assessment is indicative of the validity of the prior year's assessment". The board of review's representative argued that the 2008 board of review reduction was a one year only reduction which reduced PIN 1009's assessment from \$57,856 to \$51,553 and therefore Hoyne was not applicable.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$153,981. This assessment reflects a total market value of \$822,275 or \$51.39 per square foot based upon the application of the Illinois Department of Revenue's three-year median level of assessment for tax year 2007 of 10.04% for the residential portion of the subject property and 38% for the commercial portion of the property pursuant to the Cook County Real Property Assessment Classification Ordinance for class 5a property.

In support of the subject's assessment, the board of review submitted a memo from Matt Panush, Cook County Board of Review Analyst, which included Cook County Recorder of Deeds printouts regarding recent sales within the subject building. The printouts show the Permanent Index Number, deed number, sale date, sale price, and percentage of ownership for units in the building. The memorandum shows that three residential units comprising 24.15% of ownership within the subject's building sold between 2004 and 2007 for a total of \$450,000. An allocation of 2% for personal property was subtracted from the aggregate sales price then divided by the percentage of interest of units sold to arrive at a total market value for residential portion of the building of \$1,826,087. This market value was multiplied by the total percentage of the residential units, or 61.14%, to arrive at a market value for the residential portion of the subject of \$1,116,469. The assessor's market value for the commercial units, or \$238,865, was added to the residential market value to arrive

at a full market value for all units of \$1,355,334. As a result of its analysis, the board requested confirmation of the subject's assessment.

After hearing the testimony 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 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); 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.Adm.Code 1910.65(c)). Having considered the evidence presented, the Board finds that the appellant has not met this burden and that a reduction is not warranted.

In determining the fair market value of the subject property, the Board finds the appellant failed to submit sufficient evidence to show the subject was overvalued. The Board finds none of the appellant's suggested comparables are similar to the subject property. None of the appellant's comparables are condominiums like the subject property. In addition, all of the appellant's comparables are located at least 4.75 miles from the subject property. Therefore, the Board finds the appellant failed to show by a preponderance of the evidence that the subject was over assessed and a reduction is not warranted.

The appellant submitted documentation showing 11% vacancy of unit 1009 in the subject property. The Board gives the appellant's argument little weight. In Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970), the court stated:

[I]t is the value of the "tract or lot of real property" which is assessed, rather than the value of the interest presently held. . . [R]ental income may of course be a relevant factor. However, it cannot be the controlling factor, particularly where it is admittedly misleading as to the fair cash value of the property involved. . . [E]arning capacity is properly regarded as the most significant element in arriving at "fair cash value".

Many factors may prevent a property owner from realizing an income from property that accurately reflects its true earning capacity; but it is the capacity for earning income, rather than the income actually derived, which reflects "fair cash value" for taxation purposes. Id. at 431.

To demonstrate or estimate the subject's market value using income, one must establish, through the use of market data, the market rent, vacancy and collection losses, and expenses to arrive at a net operating income reflective of the market and the property's capacity for earning income. The appellant did not provide such evidence and, therefore, the Board gives this argument no weight and finds that a reduction based on market value is not warranted.

Additionally the Board finds no reduction is warranted pursuant to Hoyne Savings & Loan Association v. Hare, 60 Ill.2d 84, 90, 322 N.E.2d 833, 836 (1974). The Board finds that as the board of review's 2008 decision was a one year only reduction based on 2008 vacancy of PIN 1009, the Hoyne Savings & Loan Association case is not applicable. Therefore, the Property Tax Appeal Board finds that the subject's assessment as established by the board of review is correct and no 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.



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Chairman



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Member



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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: November 30, 2012



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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.