FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: TBS LLC
DOCKET NO.: 07-26340.001-R-1
PARCEL NO.: 11-19-108-011-0000

The parties of record before the Property Tax Appeal Board are TBS LLC, the appellant(s), by attorney David R. Bass, of Thompson Coburn LLP 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:	$12,936
IMPR.:	$69,894
TOTAL:	$82,830

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 7,350 square foot parcel of land improved with an 80-year old, three-story, masonry, multi-family dwelling containing six apartment units. The appellant argued that the fair market value of the subject was not accurately reflected in its assessed value as the basis of the appeal.

In support of the market value argument, the appellant submitted an appraisal undertaken by Gordon S. Bandemer and Richard J. Binder of Binder Realty Consultants, Inc. The report indicates Binder and Bandemer are State of Illinois certified residential appraisers and Bandemer holds the MAI designation. The appraisers indicated an estimated market value of $825,000 as of April 29, 2007. The appraisal report utilized the income and sales comparison approaches to value to estimate the market value for the subject property.

The appraisal indicates the property was personally inspected. The appraisal found the subject's highest and best use to be its present use.

In the income approach to value, the appraisers analyzed three rental comparables to stabilize the subject's income at $77,040. Vacancy was estimated at 5% for an effective gross income of $73,188. Expenses and replacement reserves of $39,618 were deducted for a net operating income of $33,570. The income was capitalized by 4.25% to estimate a total value under the income approach of $800,000, rounded.

Under the sales comparison approach, the appraisers analyzed the sales of four properties described as 4 to 10 unit apartment buildings located within the subject's market. The properties sold from January 2006 to February 2007 for prices ranging from $470,000 to $1,375,000. 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 $850,000.

In reconciling the approaches, the appraisers gave consideration to both approaches to determine a final estimate of value for the subject as of April 29, 2007 of $825,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of $97,992 was disclosed. The subject's final assessment reflects a fair market value of $976,016 when the Illinois Department of Revenue's 2007 three-year median level of assessment of 10.04% for Cook County Class 2 properties is applied. In support of the subject's assessment, the board of review presented descriptions and assessment information on four properties suggested as comparable. The properties are described as three-story, masonry, multi-family dwellings. The properties range: in age from 79 to 91 years old; in size from 5,880 to 10,117 square feet of living area; and in improvement assessments from $11.89 to $13.43 per square foot of living area. 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 (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.Admin.Code 1910.65(c). Having considered the market value evidence presented, the PTAB concludes that this evidence indicates a reduction 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 income and sales comparison approaches 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 merely assessment information.

Therefore, the PTAB finds the subject had a market value of $825,000 for the 2007 assessment year. Since the market value of this parcel has been established, the Illinois Department of Revenue's 2007 three-year median level of assessment of 10.04% for Cook County Class 2 properties will apply. In applying this level of assessment to the subject, the total assessed value is $82,830 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.

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: November 30, 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.