



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

APPELLANT: Haben Funeral Home
DOCKET NO.: 07-27034.001-R-1 through 07-27034.004-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Haben Funeral Home, the appellant(s), by attorney Daniel R. Fusco, of Rock, Fusco & Associates, LLC 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
07-27034.001-R-1	10-21-410-002-0000	14,938	1,009	\$15,947
07-27034.002-R-1	10-21-410-003-0000	8,595	1,510	\$10,105
07-27034.003-R-1	10-21-410-004-0000	8,291	307	\$ 8,598
07-27034.004-R-1	10-21-410-005-0000	5,367	143	\$ 5,510

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property has 31,323 square feet of land, which is improved with a 68 year old, two-story, masonry, mixed-use building containing 8,928 square feet of building area. The first floor of the subject is being used as a funeral home, while the second floor contains two apartments. The appellant argued that the market value of the subject property was not accurately reflected in its assessed value.

In support of the market value argument, the appellant submitted an appraisal undertaken by John Stephan O'Dwyer and Ibi Cole of JSO Valuation Group, Ltd., in Evanston, Illinois. The report states that O'Dwyer is licensed as a State of Illinois certified general real estate appraiser, and that Cole is a State of Illinois certified associate trainee appraiser. The appraisers stated that the subject has an estimated market value of \$400,000 as of January 1, 2007. The appraisal report utilized the cost approach to value, the income approach to value, and the sales comparison approach to value to estimate the market value for the subject property. The appraisal states that Cole personally inspected the property, and that the subject's highest and best use as improved is its present use.

Under the cost approach to value, the appraisers accepted the Cook County Assessor's land value of \$190,000. The appraisers used the Marshall and Swift Cost Manual to estimate the subject's replacement cost new to be \$989,041. The appraisers then deducted 84.88% from the replacement cost new to account for depreciation. The appraisers also found that the subject contained \$47,908 worth of site improvements. The appraisers then added the estimated land value, the value of the depreciated replacement cost, and the site improvements to arrive at a value under the cost approach to value of \$400,000, rounded.

Under the income approach to value, the appraiser analyzed the rents of four suggested comparable nearby buildings to estimate a potential gross income of \$59,976 for the subject. This estimate was based on a rent of \$8.00 per square foot for the 6,066 square feet of ground level commercial space, and \$4.00 per square foot for the second level living area. Expenses were estimated to be \$15,277, and vacancy and collection losses were estimated to be \$7,497, for a net operating income of \$37,202. A capitalization rate of 9% was utilized to estimate a value under the income approach of \$400,000, rounded.

Under the sales comparison approach, the appraisers analyzed the sales of six comparables which are described as one-story, two-story, or multi-story, masonry buildings that range in age from 23 to 93 years old, and in size from 4,200 to 26,400 square feet of building area. Comparables #1, #2, and #3 were used as funeral homes at the time of the sale. The sales comparables sold from December 2001 to March 2007 for prices ranging from \$150,000 to \$1,500,000, or from \$35.71 to \$56.82 per square foot of building area, including land. A map of the subject and the six comparables was also included. 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 \$400,000.

The appraisers stated that the cost approach to value should not be relied upon independently. Furthermore, the income approach to value was given secondary reliance after the sales comparison approach, which was given the most reliance. The appraisers stated that the sales comparison approach to value was considered the most reliable, and therefore, was given the most weight because it is a direct reflection of the actions of buyers and sellers in the market. Thus, the appraiser concluded that the subject's appraised value was \$400,000 as of January 1, 2007. 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 \$92,850 was disclosed. The subject's final assessment reflects a fair market value of \$924,801 when the 2007 Illinois Department of Revenue three-year median level of assessment for Class 2

properties of 10.04% is applied. In support of the subject's assessment, the board of review presented descriptive and assessment information on two properties suggested as comparable to the subject. These properties are described as two-story, masonry, multi-use buildings that are 83 years old, and contain from 3,240 to 3,930 square feet of living area. Additionally, the suggested comparables have from one and one-half to four and one-half baths, one of the properties has a four-car garage, and both of the properties have a partial unfinished basement. These suggested comparables have improvement assessments ranging from \$13.39 to \$14.46 per square foot of living area.

The board of review also submitted a list of sales of properties located within the subject's neighborhood. This list included the PIN, deed number, the date of the sale, and the sale price for twenty properties. No further information was provided regarding these properties. Based on this evidence, the board requested confirmation of the subject's assessment.

In rebuttal, the appellant stated that the board of review did not address the market value argument. The appellant also reaffirmed the evidence previously submitted.

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). 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 the best evidence to be the appellant's appraisal. The appellant's appraisers utilized the cost approach to value, the income approach to value, and the sales comparison approach to value in determining the subject's market value. The Board finds this appraisal to be persuasive because 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 adjustments that were necessary. The Board gives little weight

to the board of review's comparables as the information provided did not address the appellant's market value argument.

Therefore, the Board 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 2007 Illinois Department of Revenue three-year median level of assessment for Class 2 property of 10.04% will apply. In applying this level of assessment to the subject, the total assessed value is \$40,160 while the subject's current total assessed value is above this amount. Therefore, the Board 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.