



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

APPELLANT: Phyllis Mategrano  
DOCKET NO.: 07-27302.001-R-1  
PARCEL NO.: 17-17-412-032-0000

The parties of record before the Property Tax Appeal Board are Phyllis Mategrano, the appellant, by attorney Brian P. Liston, of Law Offices of Liston & Tsantilis, P.C. 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:

**LAND:** \$ 10,874  
**IMPR.:** \$ 58,520  
**TOTAL:** \$ 69,394

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property is improved with a masonry, three-story, multifamily dwelling. It is 118 years old and contains 6,033 square feet of building area. Features include six apartments, six baths, and a full basement apartment.

The appellant, via counsel, contends that the subject's market value is not accurately reflected in its assessment and that the subject is inequitably assessed. In support of the assessment inequity argument, the appellant, via counsel, submitted information regarding three suggested comparable properties located in the subject property's neighborhood. The suggested comparables are multifamily dwellings that contain between two and three stories and are constructed of masonry. They range in age from 103 to 128 years old and range in size from 1,880 to 5,336 square feet of living area. Features include two or three apartments, two or three baths, and basement area. These comparables have improvement assessments that range from \$4.80 to \$9.40 per square foot of building area. The subject's improvement assessment is \$58,520 or \$9.70 per square foot of building area. In support of the market value argument, the appellant submitted a rent roll, income and expense statements from 2004 through

2007, a copy of the subject's Schedule E from 2007, and an income and expense analysis for the subject property. Based on this evidence, the appellant requested a reduction in the subject property's improvement assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of \$69,394 was disclosed. To demonstrate the subject was correctly assessed, the board of review presented descriptions and assessment information regarding four suggested comparable properties consisting of three-story, masonry, multifamily dwellings located within the subject property's neighborhood. The suggested comparables range in age from 113 to 128 years old and range in size from 5,544 to 6,210 square feet of building area. Features include six apartments, six bedrooms, and full unfinished basement area. These properties have improvement assessments that range from \$9.78 to \$11.10 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 the appeal. The Board further finds the evidence in the record does not support a reduction in the subject's assessment.

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 (3<sup>rd</sup> Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2<sup>nd</sup> 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).

The appellant submitted documentation showing the income of the subject property. The PTAB 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.

Actual expenses and income based on vacancy can be useful when shown that they are reflective of the market. Although the appellant's attorney made this argument, the appellant did not demonstrate through an expert in real estate valuation that the subject's actual income and expenses are reflective of the market. 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 no weight to this evidence and finds that a reduction based on market value is not warranted.

The appellant argued assessment inequity as the basis of the appeal. Taxpayers who object to an assessment on this basis bear the burden of proving the disparity of assessments by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data the Board finds the appellant did not demonstrate unequal treatment by clear and convincing evidence.

The record contains descriptions and assessment information regarding seven suggested comparables submitted by the parties. The Board finds the board of review comparables are the most similar to the subject property in number of apartments, size, and amenities. These properties have improvement assessments that range from \$9.78 to 11.10.16 per square foot of living area. The subject has an improvement assessment of \$9.70 per square foot of building area which is below the range established by the most similar comparables. Based on this record the Board finds a reduction in the subject's assessment based on assessment inequity 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.

*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: August 28, 2012

*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.