A M E N D E D
FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Shulamith Laiser
DOCKET NO.: 07-27393.001-R-1
PARCEL NO.: 02-12-206-049-0000

The parties of record before the Property Tax Appeal Board are Shulamith Laiser, the appellant, by attorney Allen A. Lefkovitz, of Allen A. Lefkovitz & Associates 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:	$ 2,492
IMPR.:	$ 56,587
TOTAL:	$ 59,079

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property contains 3,116 square feet of land improved with a 27-year old, three-story, masonry, multi-family dwelling. The improvement consisting of six apartments, therein, is one of 49 apartment buildings located within the subject's development.

The appellant, via attorney, raised two arguments: first, that the subject's improvement size was incorrect; and second, that the market value of the subject property was not accurately reflected in its assessed value as the bases of this appeal.

As a procedural matter, the Board found that the tax appeal years 2007 and 2008 involve common issues of law and fact and a consolidation of the appeals for hearing purposes would not prejudice the rights of the parties. Therefore, without objections from the parties and pursuant to Section 1910.78 of the official rules of the Property Tax Appeal Board (86 Ill.Admin.Code 1910.78), the Board consolidated the 2007 and 2008 property tax appeals for hearing purposes, solely.

In support of the market value argument, the appellant submitted limited sales data on a total of nine suggested comparables. The properties are all apartment buildings located within the subject's development which contain a three-story, masonry, multi-family dwelling with six units. The grid consists of each property's address, parcel number, sale date, and sale price. Based upon this data, the properties sold from May, 2004, to April, 2008, for prices that ranged from $445,000 to $595,000. In addition, the appellant's data indicated that sale #8 sold after the lien date at issue, while sale #9 was a sheriff's sale without further explanation.

As to the subject improvement's size, the attorney's brief opined that the subject contained 5,832 square feet of living area. Moreover, copies of financial and tax summaries for three properties from a source identified as Realinfo were attached to the appellant's pleadings. These summaries related to sale #1 and sale #8 identifying each building as containing 5,832 square feet of living area, while a third building which was not a sale property was identified as containing 6,120 square feet.

Moreover, the appellant's pleadings include copies of website printouts from a source identified as LoopNet or Realinfo reflecting minimal data on sale properties as well as copies of printouts relating to three properties from a real estate broker's multiple listing service. The Realinfo printouts reflect only the following regarding each sale: owner's name, owner's address, owner's telephone number, sale amount, sale date and document number. Moreover, the Realinfo printouts stated that "the information therein is deemed reliable, but is not guaranteed". The LoopNet printouts stated, in summary, that the data was obtained from sources believed to be reliable; however, the accuracy was not verified and therefore no guarantees or warranties are given to the accuracy. At hearing, the appellant's attorney opined that the LoopNet and Realinfo printouts are support data for the sale properties identified within the attorney's brief.

At hearing, the appellant, Shulamith Laiser, was called to testify under oath. She stated that she has been a real estate broker since July, 1973, while selling apartment buildings for a real estate corporation prior to starting her own corporation in 1987. She indicated that she purchased the subject property in 1986, while elaborating on the Silver Lake Development where the subject is located. She testified that she is personally familiar with the property because she owns 9 of the 49 buildings in this development and is a board member of this development's association. She also indicated that she has been in other buildings which she has sold as a real estate broker for one of the parties involved in a sales transaction. She also stated that: the multi-family buildings are attached in clusters of four, the buildings are virtually identical, and the buildings were built in 1980. She stated that each building contains five two-bedroom units and one one-bedroom unit as well as a laundry room, but that her buildings experience varying vacancy rates

that can be as high as 50%, while she charges rent of $695.00 per unit since 2007.

As to the nine properties that she owns, Laiser testified that the only physical differentiation is that some buildings have basements while others contain only a crawl space. Moreover, she stated that in 2007 she resided in one of the apartments located in her building identified as 1549 Silver Lane but left due to her husband's illness.

As to the sale properties, she testified that she was personally aware that sale #1 initially sold in 2004 and was then sold again in 2007 with the second sale identified as sale #9 in her grid analysis. She explained that this second sale was a foreclosure sale to a different real estate broker who then resold the property thereafter. As to sale #8, she testified that she was not personally involved in the sale, but she believed that another building owner's mother allegedly purchased that property. As to the remaining sales, she indicated that the properties were basically similar with several containing either a basement or a crawl space, but that the basement area is solely used as storage because of seepage issues. Moreover, she testified regarding her knowledge of the seven remaining sales stating: that she believed that each was advertised for sale on the open market; that she believed the parties to each sale were unrelated; and that to her personal knowledge no mortgages were assumed by the buyers.

At hearing, she also stated that there were three sales after 2008. To refresh the witness's recollection, Appellant's Hearing Exhibit A was admitted over the objection of the board's representative. This is a one-page Exhibit reflecting three properties which sold after the 2007 lien date at issue. As to this Exhibit, Laiser testified that she was aware that property #2 thereon was a foreclosure sale. However, beyond these details, she stated that she had no personal knowledge of the nature of these sales.

On cross examination, she testified that she had no personal knowledge as to whether an appraisal was undertaken on any of the sale properties.

Based upon this analysis, the appellant requested a reduction in the subject's assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was $59,079. The subject's assessment reflects a market value of $588,436 with the application of the Illinois Department of Revenue's three-year median level of assessment for tax year 2007 of 10.04% for class 2, residential property. This valuation reflects a value per square foot of living area of $103.78 using 5,670 square feet of living area.

The board of review submitted an equity analysis using descriptive and assessment data on four properties located on the same block, as is the subject. They are improved with a three-story, masonry, multi-family dwelling with six apartments, therein. The improvements range: in age from 26 to 27 years; in size from 5,670 to 5,832 square feet of living area; and in improvement assessments from $9.98 to $11.21 per square foot. The subject's improvement assessment is $9.98 per square foot. In addition, copies of each property's characteristic printouts from the assessor's database were submitted. As a result of its analysis, the board requested confirmation of the subject's assessment.

At hearing, the board's representative, Michael Terebo, rested on the written evidence submissions. He asserted that some of the sale properties received reductions at the board of review's hearing level. He argued that there were no appraisals submitted for the subject property at issue by the appellant and that the level of assessment changes from 2007 through 2009. Under cross examination by the appellant's attorney, the board's representative testified that these properties received varying reductions based upon either sales data or appraisal evidence. Moreover, Terebo testified that at the board of review's level appeal if there was a market value finding based upon a recent sale of a property that the board of review would apply a 10% level of assessment to determine the property's assessment, while if there was a market value finding based upon an appraised value the board of review will apply a 16% level of assessment to determine the property's assessment. He opined that perhaps this differentiation was based upon an incentive for new home buyers.

In written rebuttal, the appellant submitted a two-page summary grid analysis reflecting descriptive, assessment and sale data, if any, on both parties' suggested comparables. Further, the rebuttal included assessor database printouts on the subject; appellant's sales #1, #3, #4, and #8; as well as one property not previously submitted into evidence by the parties.

At hearing, the appellant's attorney submitted Appellant's Hearing Exhibit B which was admitted into evidence without objection by the board of review. This Exhibit represented the assessment history of: the subject property, the board of review's 4 equity properties, appellant's sales #3, #4, #8 and #9 as well as another property not previously submitted in the appellant's initial pleadings. The Exhibit represented assessment data from 2007 through 2011 with the attorney asserting that for the 2007 tax year that the properties' assessments vary.

Furthermore, the parties were accorded a designated time period within which to submit simultaneous legal briefs. The appellant timely submitted its brief; however, the board of review did make such a submission.

After considering the testimony and arguments as well as reviewing the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal.

As to the ancillary issue of the subject improvement's size, the Board finds that the best evidence was submitted by the board of review in the form of property characteristic printouts obtained by the county assessor. These official documents reflect that the subject contains 5,670 square feet of living area. In contrast, the appellant's initial pleadings include printouts from a source identified as Realinfo which opines building sizes ranging from 5,832 to 6,120 square feet without further explanation or support documents. Moreover, these printouts clearly state that no guarantees or warranties are made as to the accuracy of the data reflected therein. Therefore, the Board finds that the subject's building contains 5,670 square feet of living area.

As to the legal issue, the Board reviewed case law as well as the appellant's brief relating to Pace Realty Group, Inc. et al v. The Property Tax Appeal Board et al., 306 Ill. App. 3rd 718, 713 N.E.d 1249, (2nd Dist. 1999). The Board finds that this Court stated that in determining what properties are truly comparable, there is error as a matter of law when the selection of a comparable includes a property which has also received the same contested assessment. In addition, the Court indicated that using the very assessments being appealed from to set the high end of the range. . .essentially holds that the assessments imposed on the subject properties are self-validating. Id at 728. Further, the Court stated that conducting a uniformity analysis in such a manner will lead to absurd results and will render the assessment appeal process meaningless. Therefore, the Board shall accord no weight to suggested comparables which are: sited within the subject's complex, also under appeal, and reflect a similarly contested assessment. The only property so affected in the board of review's equity comparable #1.

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 finds that the evidence indicates a reduction is not warranted.

In determining the fair market value of the subject property, the Board finds the best evidence to be the appellant's sale comparables with corroborating testimony. The unrebutted testimony indicated that the subject property is practically identical in descriptive characteristics to the remaining multi-family dwellings located in the subject's development, which includes 49 such buildings. In totality, the appellant submitted nine sale properties. The Board accorded diminished weight to sale #8 due to the sale closing after the lien date at issue in these proceedings as well as according no weight to sale #9 due to the acknowledgement that it was a sheriff's sale. As to these sales, the appellant's testimony was vague. Nevertheless, the market data on the remaining seven sales reflected a range of values from $530,000 to $595,000 or from $93.47 to $104.94 per square foot of living area. The subject's valuation estimate by the board of review is $588,436 or $103.78 per square foot which is within the range established by these sale comparables. The appellant's credible testimony regarding these seven sale comparables was found essential in determining the arm's length nature of the aforementioned sales transactions. The Board accorded no weight to the LoopNet and Realinfo printouts submitted by the appellant's attorney due to the unreliability of said sources as well as the minimal data reflected therein which failed to speak to the actual nature of each sales transaction.

Further, the Board finds that the board of review not only failed to submit market data to support the subject property's valuation, but also failed to rebut the arm's length nature of the appellant's sale comparables.

The courts have stated that where there is credible evidence of comparables sales, these sales are to be given significant weight as evidence of market value. In Chrysler Corporation v. Property Tax Appeal Board, 69 Ill.App. 3d 207 (2nd Dist. 1979), the Court further held that significant relevance should not be placed on the cost approach or the income approach especially when there is market data available. Id. Moreover, in Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (5th Dist. 1989), the Court held that of the three primary methods of evaluating property for purposes of real estate taxes, the preferred method is the sales comparison approach.

Therefore, the Board finds that based upon the market data and corroborating testimony submitted that a reduction is not warranted to this subject property.

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: July 19, 2013

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.