



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

APPELLANT: Stanley J. Herman
DOCKET NO.: 07-28073.001-C-1
PARCEL NO.: 07-36-412-041-0000

The parties of record before the Property Tax Appeal Board are Stanley J. Herman, the appellant, by attorney Dennis M. Nolan, of Dennis M. Nolan, P.C. in Bartlett; 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: \$85,518
IMPR.: \$129,182
TOTAL: \$214,700

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 39,139 square foot parcel of land improved with a 7,000 square foot, 26-year old, one-story, masonry, multi-tenant retail building. The appellant, via counsel, argued that the fair market value of the subject was not accurately reflected in its assessed value.

In support of the market value argument, the appellant submitted an appraisal by Brian Duniec and Terrence O'Brien of Terrence O'Brien & Co. The report indicates Duniec is a State of Illinois certified general appraiser and O'Brien is an MAI. The appraisers indicated the subject has an estimated market value of \$565,000 as of January 1, 2007. The appraisal report utilized the three traditional approaches to value to estimate the market value for the subject property. The appraisal finds the subject's highest and best use is its present use.

Under the cost approach to value, the appraiser accepted the value of the land as established by the county assessor of

\$225,000, rounded. The replacement cost new was utilized to establish a value under the cost approach of \$570,000, rounded.

Under the income approach to value, the appraiser analyzed the subject's rents and marketplace rents to estimate a net market rent for the subject of \$7.25 per square foot, or \$50,750. A capitalization rate of 9% was utilized to estimate a value under the income approach of \$565,000, rounded.

Under the sales comparison approach, the appraiser analyzed the sales of six multi-tenant retail buildings. The properties range: in size from 9,500 to 21,204 square feet of building area. The comparables sold from January 2004 to October 2006 for prices that ranged from \$575,000 to \$1,800,000 or from \$60.53 to \$84.89 per square foot of building area, land included. The appraiser adjusted each of the comparables for pertinent factors. Based on the similarities and differences of the comparables when compared to the subject, the appraiser estimated a value for the subject under the sales comparison approach of \$81.00 per square foot of building area or \$565,000, rounded.

In reconciling the three approaches to value, the appraisal arrived at a final estimate of value for the subject as of January 1, 2007 of \$565,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$239,396 was disclosed. The subject's final assessment reflects a fair market value of \$629,989 or \$90.00 per square foot of building area including land when the Cook County Real Property Assessment Classification Ordinance for class 5a property of 38% is applied. In support of the subject's assessment, the board of review presented submitted a memorandum that indicates its evidence is assumed to be factual, accurate and reliable, but that the writer has not verified the information or sources and does not warrant the accuracy. The board of review presented information regarding the sales of ten suggested comparable properties located within a five mile radius from the subject. The properties consist of retail buildings that range in size from 3,168 to 12,484 square feet of building area. The comparables sold from March 2002 to January 2008 for prices that ranged from \$350,000 to \$2,150,000 or from \$48.54 to \$246.77 per square foot of building area, including land.

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. The Board further finds a reduction in the subject's assessment is warranted.

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 evidence presented, the PTAB concludes that the 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 appraiser utilized the three traditional approaches to value in determining the subject's market value. The PTAB finds this appraisal to be persuasive for the appraiser: has 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 PTAB gives little weight to the board of review's comparables as the information provided was unadjusted raw sales data.

Therefore, the PTAB finds the subject had a market value of \$565,000 for the 2007 assessment year. When the Cook County Real Property Assessment Classification Ordinance for class 5a property of 38% is applied to this value, the total assessed value is \$214,700 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.

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: February 22, 2013

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.