



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

APPELLANT: Vito LaMarca  
DOCKET NO.: 07-28331.001-R-1  
PARCEL NO.: 12-03-102-073-0000

The parties of record before the Property Tax Appeal Board are Vito LaMarca, the appellant(s), by attorney Terrence Kennedy Jr., of Law Offices of Terrence Kennedy Jr. 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:** \$ 7,296  
**IMPR.:** \$63,043  
**TOTAL:** \$70,339

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property has 5,700 square feet of land, which is improved with a 40 year old, six-unit, apartment building containing 5,280 square feet of living area. The appellant 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 undertaken by Rob Pendergast and Kevin Maloney of Maloney Appraisal Co., Inc. The report states that Pendergast is licensed as a State of Illinois certified residential real estate appraiser, and that Maloney is licensed as a State of Illinois certified general real estate appraiser. The appraisal was for the property with PIN 12-03-102-074-000, which is not the subject's PIN. The appraiser stated that the appraised property has an estimated market value of \$460,000 as of December 9, 2008. 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 appraised property. The appraisal states that Pendergast personally inspected the property, and that the appraised property's highest and best use as improved is its present use.

Under the cost approach to value, the appraiser estimated the appraised property's land value to be \$84,000. The appraised property improvement's replacement cost new was estimated to be \$514,080. The appraiser then deducted 9.09% from the replacement cost new to account for depreciation. The appraiser then added the estimated land value and the value of the depreciated replacement cost to arrive at a value under the cost approach to value of \$537,277.

Under the income approach to value, the appraiser analyzed the rents of three suggested comparable nearby buildings to estimate a potential gross income of \$54,720, or \$10.36 per square foot of building area. Expenses were estimated to be \$28,880, and vacancy and collection losses were estimated to be 5%, for a net operating income of \$23,104. A loaded capitalization rate of 5% was utilized to estimate a value under the income approach of \$460,000.

Under the sales comparison approach, the appraiser analyzed the sales of three comparables and the listings of two comparables. All five of the comparables are described as masonry, six-unit, apartment buildings that range in age from 29 to 43 years old. The sales comparables sold from June 2008 or August 2008 for prices ranging from \$475,000 to \$535,000. The sales listings are listed for \$467,100 and \$495,000. 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 appraised property under the sales comparison approach of \$480,000.

The appraiser stated that the income approach to value is considered the most reliable, and therefore, is given the most weight, when estimating the market value of property like the appraised property. Thus, the appraiser concluded that the appraised property's appraised value was \$460,000 as of December 9, 2008. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$70,339 was disclosed. The subject's final assessment reflects a fair market value of \$700,588 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 descriptions and assessment information on four suggested comparables. These comparables are all described as having six units, six baths, 5,292 square feet of living area, a full basement with an apartment, and being either 40 or 41 years old. The comparables have improvement assessments ranging from \$12.60 to \$12.64 per square foot of living area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant, represented by Joe L. Huang, stated that the appraisal was not for the subject, but was for an

identical building next to the subject, and that the appraisal should be considered because the subject and the appraised property are identical. The Cook County Board of Review Analyst, Michael Terebo, stated that the appraisal should not be considered because the appraised property is not the subject property. Mr. Huang responded that if the Property Tax Appeal Board (the "Board") does not give the appraisal any weight, it can still use the comparables in the appraisal that were used in the sales comparison approach, and that these comparables show that the subject is over-assessed. Mr. Terebo responded that the sales comparables are not close to the subject, and in particular Comparable #3 was over five miles away from the subject. Mr. Huang then stated that, with the exception of Comparable #3, the remaining sales comparables were close to the subject. Mr. Huang also argued that the board of review's evidence does not address the appellant's market value argument, and should be given no weight by the Board.

After reviewing the record, hearing the testimony, 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. 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 not warranted.

In determining the fair market value of the subject property, the Board finds that the appellant has failed to prove, by a preponderance of the evidence, the value of the subject property. The appellant's only evidence was the appraisal of a property that is allegedly adjacent to the subject, and the baseless argument that the subject and the appraised property were similar. However, the record is devoid of any evidence to support the assertion that the subject and the appraised property are adjacent to each other. The record is also devoid of any evidence to support the assertion that the subject and the appraised property are identical. The appraiser did not acknowledge these assertions, and there was no witness testimony, there were no affidavits, there was no map, nor were there any photographs to support these assertions. The appellant's counsel may have argued these points, but he did not testify to them under oath. As such, the Board gives the appraisal submitted by the appellant no weight, and finds that a reduction is not 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.

*Ronald 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: September 21, 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.