



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

APPELLANT: Vito LaMarca
DOCKET NO.: 07-28337.001-R-1
PARCEL NO.: 12-03-102-074-0000

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 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: \$ 8,960
IMPR.: \$37,224
TOTAL: \$46,184

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 appraiser stated that the subject 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 subject's highest and best use as improved is its present use.

Under the cost approach to value, the appraiser estimated the subject's land value to be \$84,000. The improvement's replacement cost new was estimated to be \$514,000. 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 subject. Thus, the appraiser concluded that the subject'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 \$69,301 was disclosed. The subject's final assessment reflects a fair market value of \$690,249 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 \$12.62 to \$12.77 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, reaffirmed the evidence previously submitted.

The Cook County Board of Review Analyst, Michael Terebo, argued that Comparables #3 and #5 used by the appraiser in the sales comparison approach were not close to the subject, and should not

be considered. Mr. Terebo also reaffirmed the evidence previously submitted.

In rebuttal, Mr. Huang stated that Comparables #1 and #4 used by the appraiser in the sales comparison approach were close to the subject. He also stated that the appraiser placed the most weight on the income approach to value, so any missteps in the sales comparison approach to value would have had a minimal impact on the subject's final appraised value. Mr. Huang also emphasized that the board of review did not address the appellant's market value argument, and only provided equity comparables.

Finally, Mr. Terebo argued that the appraisal should be given diminished weight because the appraiser is not at the hearing to testify about the adjustments made in the appraisal.

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 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 with similar rental markets in the income 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 \$460,000 for tax year 2007. 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 \$40,940 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.

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: 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.