



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

APPELLANT: Wayne Drenthe
DOCKET NO.: 07-28565.001-R-1
PARCEL NO.: 24-10-103-005-0000

The parties of record before the Property Tax Appeal Board are Wayne Drenthe, the appellant(s), by attorney John P. Fitzgerald, of John P. Fitzgerald, Ltd. 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: \$15,969
IMPR.: \$27,203
TOTAL: \$43,172

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 6,170 square foot parcel of land improved with a 50-year old, masonry constructed, one and part two-story, mixed-use building containing 7,005 square feet of building area. The appellant argued that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellant's pleadings included a limited general appraisal of the subject property with an effective date of January 1, 2005 undertaken by Michael Haliburton, certified general real estate appraiser and Gary T. Peterson, a certified general appraiser who holds a MAI certification. The appraisers estimated a market value for the subject of \$430,000.

As to the subject, the appraisal indicated that the subject's site was inspected on October 19, 2005. The subject is mixed-use residential and office dwelling. The appraisal indicated that the building is 50-years old and is in average condition.

The appraisers indicated that the subject's highest and best use is as improved and for its current use but with repair of any deferred maintenance.

The appraisers developed the sales comparison approach to value.

Under the sales comparison approach to value, the appraisers utilized five sale comparables. These comparables sold from July 2002 through May 2003, for prices that ranged from \$190,000 to \$680,000 or from \$34.86 to \$68.00 per square foot, including land. The properties were zoned as mixed-use buildings. They ranged in building size from 3,500 to 10,000 square feet of building area. After making adjustments to the suggested comparables, the appraisers estimated that the subject's market value was \$70.00 per square foot or \$430,000 rounded, as of the assessment date. Based upon this data, the appellant requested a reduction in the subject's market value.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$92,080 for the tax year 2007. The subject's assessment reflects a market value of \$917,131 using the Cook County Ordinance Level of Assessment for Class 2, residential property of 10.04%. In support of the subject's assessment, the board of review submitted a description and assessment information for one property located within the subject's neighborhood. The property is described as a two-story, masonry, mixed-use dwelling with two commercial and residential units, three baths, and a full unfinished basement. The property is 42 years old, contains 1,750 square feet of building area, and has an improvement assessment of \$19.78 per square foot of building area. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant via counsel, Ms. Mary Fitzgerald, requested that the assessment be reduced based on the "high quality MAI" appraisal value of \$430,000.

The board of review analyst, Mr. Roland Lara, argued that the appraisal should be discredited based on the appraiser utilizing only the sales comparison approach. He further states that income approach is "the preferred method of valuation for income producing properties...." Mr. Lara presented into evidence a "google" map outlining the appraisal and the board of review's comparables which shows that the board of review's comparables are closer to the subject.

After considering the arguments and reviewing 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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3d Dist. 2002; Winnbago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d (2d 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 Board concludes that the evidence indicates a reduction in the subject's assessment is warranted.

In determining the fair market value of the subject property, the Board accorded diminished weight to the property submitted by the board of review as the evidence provided was one equity comparable.

Therefore, as to the subject's market value, the Board finds the best evidence to be the appellant's appraisal. As to the subject's market value, the Board finds that the appellant's appraiser utilized the sales comparison approach to value in developing the subject's market value, The Board also finds this appraisal to be persuasive for the appraisers: have extensive experience in appraising and assessing property; personally inspected the subject property; estimated a highest and best use for the property; and utilized market data in undertaking the approaches to value; and lastly, used similar properties in the sales comparison approach while providing sufficient detail regarding each sale as well as adjustments that were necessary.

Therefore, the Board finds that the subject property contained a market value of \$430,000 for the tax year 2007. Since the market value of the subject has been established, the Cook County Ordinance level of assessment for Class 2, residential property of 10.04% will apply. In applying this level of assessment to the subject, the total assessed value is \$43,172, while the subject's current total assessed value is above this amount at \$92,080. 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: November 30, 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.