



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

APPELLANT: Jennie Malysa  
DOCKET NO.: 07-30933.001-C-1  
PARCEL NO.: 24-36-213-010-0000

The parties of record before the Property Tax Appeal Board are Jennie Malysa, the appellant(s), by attorney Brian S. Maher, of Weis, DuBrock, Doody & Maher 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:** \$30,685  
**IMPR.:** \$49,115  
**TOTAL:** \$79,800

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a 17,000 square foot site improved with a one-story multi-tenant, masonry constructed retail commercial building with 7,000 square feet of building area. The building was built in 1923. The subject building has a full unfinished basement and central air conditioning. The property has a land to building ratio of 2.43:1. The property is located in Blue Island, Worth Township, Cook County. The subject is classified as a class 5-17 one-story commercial building under the Cook County Real Property Assessment Classification Ordinance and is assessed at 38% of market value.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted a narrative appraisal estimating the subject property had a market value of \$210,000 as of January 1, 2006. The appraisal was signed by three licensed appraisers; Manolo E. Ortiz, Michael Halliburton and Gary T. Peterson, of Peterson Appraisal Group, Ltd. Peterson also had the Member of the Appraisal Institute (MAI) designation from the Appraisal Institute. In estimating the market value of the

subject property the appraisal contained only the sales comparison approach to value.

The appraisal estimated the market value of the fee simple interest assuming no leases, liens or encumbrances other than normal covenants and typical restrictions of record. The report stated that an interior and exterior inspection of the property was made on June 29, 2007. The report also indicated the appraisers determined the highest and best use of the subject as improved is the property's continued use as a multi-tenant, commercial storefront building.

In the sales comparison approach the appraisers used four comparables sales located in Chicago and Midlothian. The comparables were improved with one-story masonry constructed commercial buildings that ranged in size from 3,800 to 8,000 square feet of building area. The buildings were constructed from 1942 to 1977. The comparables had sites ranging in size from 4,051 to 12,859 square feet of land area and land to building ratios ranging from .78:1 to 2.34:1. The comparables sold from May 2003 to July 2003 for prices ranging from \$100,000 to \$229,500 or from \$26.32 to \$30.00 per square foot of building area, including land. The appraisers considered adjustments for property rights conveyed, financing, conditions of sale, market conditions, location, physical characteristics, age/condition, construction, land/building ratio, functional utility, economic characteristics and non-realty components. After considering these factors the appraisers estimated the subject had a market value of \$30.00 per square foot of building area, land included or \$210,000 as of January 1, 2006.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$119,700 was disclosed. The subject's assessment reflects a market value of \$315,000 or \$45.00 per square foot of building area, including land, when applying the 38% Ordinance level of assessments for class 5-17 commercial property.

In support of the assessment the board of review submitted information on four comparables sales. The comparables were improved with freestanding retail, bank or auto dealership buildings that ranged in size from 5,400 to 9,021 square feet of building area. These properties sold from January 2005 to December 2008 for prices ranging from \$300,000 to \$1,467,000 or from \$54.32 to \$183.38 per square foot of building area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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 the appeal. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

The appellant contends overvaluation as the basis of the appeal. When market value is the basis of the appeal the value of the property must be proved 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). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. (86 Ill.Admin.Code §1910.65(c)). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value in this record is the appraisal of the subject property submitted by the appellant estimating the subject property had a market value of \$210,000 as of January 1, 2006. The appraisers developed the sales comparison approach to value using four comparable sales, two of which were submitted by the board of review. In analyzing the sales the appraisers considered various factors such as property rights conveyed, financing, conditions of sale, market conditions, location, physical characteristics, age/condition, construction, land/building ratio, functional utility, economic characteristics and non-realty components. The board of review submitted information on four sales but did not make any type of qualitative or quantitative analysis of the sales. Based on this record, the Board finds the subject had a market value of \$210,000 as of January 1, 2006. Since market value has been established the 38% Ordinance level of assessments for class 5-17 commercial property shall apply.

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: December 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.