



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

APPELLANT: Chris Naum
DOCKET NO.: 07-30952.001-C-1
PARCEL NO.: 13-01-429-028-0000

The parties of record before the Property Tax Appeal Board are Chris Naum, the appellant(s), by attorney Richard J. Caldarazzo, of Mar Cal Law, P.C. 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: \$ 16,474
IMPR.: \$ 54,345
TOTAL: \$ 70,819

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 7,132 square foot parcel of land improved with a 45 year old, two-story, apartment building containing nine units and 5,920 square feet of building area.

The appellant argued unequal treatment in the assessment process and that the market value of the subject property is not accurately reflected in the property's assessed valuation as the bases of the appeal.

In support of the equity argument, the appellant submitted assessment data for three properties located within one block of the subject property. These properties are described as apartment buildings. The properties range in age from 45 to 78 years and contain between 4,032 and 9,168 square feet of building area. The properties have improvement assessments that range from \$4.64 to \$6.81 per square foot of building area. The subject's improvement assessment is \$9.18 per square foot of building area. Based upon this data, the appellant requested a reduction in the subject's assessed value

In support of the market value argument, the appellant also submitted copies of Schedule E's from the appellant's federal income tax returns for the subject property for 2004 through 2007 and an income/expense analysis which derived a market value for the subject of \$164,596. 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 \$70,819 for the tax year 2007. The subject's assessment reflects a market value of \$321,905 or \$54.38 per square foot and \$35,767 per apartment unit using the Cook County Ordinance Level of Assessment for Class 3, rental property of 22%.

In support of the subject's market value, raw sales data was submitted for six multi-family/apartment buildings. The data from the CoStar Comps service sheets reflect that the research was licensed to the assessor's office, but failed to indicate that there was any verification of the information or sources of data. The properties sold from March 2005 to May 2007, in an unadjusted range from \$665,000 to \$1,110,000 or from \$66,500 to \$101,111 per apartment unit. The properties contained buildings that ranged in size from 5,588 to 9,000 square feet of building area. As a result of its analysis, the board 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 this appeal.

As to the market value argument, the appellant submitted documentation showing the income of the subject property. The Board gives the appellant's argument little weight. In Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970), the court stated:

[I]t is the value of the "tract or lot of real property" which is assessed, rather than the value of the interest presently held. . . [R]ental income may of course be a relevant factor. However, it cannot be the controlling factor, particularly where it is admittedly misleading as to the fair cash value of the property involved. . . [E]arning capacity is properly regarded as the most significant element in arriving at "fair cash value".

Many factors may prevent a property owner from realizing an income from property that accurately reflects its true earning capacity; but it is the capacity for earning income, rather than the income actually derived, which reflects "fair cash value" for taxation purposes. Id. at 431.

Actual expenses and income can be useful when shown that they are reflective of the market. The appellant's brief and evidence only utilized the subject's actual income and expenses and

vacancy and without the use of market data, market rent, vacancy and collection losses, and expenses to arrive at a net operating income reflective of the market and the property's capacity for earning income.

The Board accorded diminished weight to the properties submitted by the board of review as the evidence provided unconfirmed, raw data on sales. Therefore, the PTAB finds this argument unpersuasive.

The appellant contends unequal treatment in the subject's improvement assessment as the basis of the appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). After an analysis of the assessment data, the PTAB finds the appellant has not met this burden.

The appellant presented assessment data on a total of three equity comparables. The PTAB finds the appellant did not meet the burden of proof necessary to show the subject property was inequitably assessed. Two of the appellant's comparables are significantly larger in size and one of these comparables is not similar in age. The PTAB further finds that the appellant's remaining one comparable is smaller in size than the subject and insufficient alone to show that the subject is over assessed. The PTAB finds these suggested comparables are not a persuasive indicator of the subject's assessment inequity given the limited data provided. Accordingly, the appellant has not met the burden of clear and convincing evidence. The PTAB gives little weight to the board of review's evidence as the data is merely raw sales data without any assessment information.

After considering adjustments and the differences in the comparables when compared to the subject, the PTAB finds the subject's per square foot improvement assessment is not supported and a reduction in the subject's assessment 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: November 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.