FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Mujo Marinovic
DOCKET NO.: 08-22392.001-R-1 through 08-22392.006-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Mujo Marinovic, the appellant, by attorney Allen A. Lefkovitz, of Allen A. Lefkovitz & Associates 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
08-22392.001-R-1	02-01-401-013-1115	1,144	7,153	$8,297
08-22392.002-R-1	02-01-401-013-1116	1,408	8,801	$10,209
08-22392.003-R-1	02-01-401-013-1117	1,408	8,801	$10,209
08-22392.004-R-1	02-01-401-013-1118	1,408	8,801	$10,209
08-22392.005-R-1	02-01-401-013-1119	1,408	8,801	$10,209
08-22392.006-R-1	02-01-401-013-1120	1,408	8,801	$10,209

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property contains six parcels improved with a 26-year old, three-story, masonry, multi-family dwelling. This subject is one condominium building with six apartments therein, which is part of a 24-unit condominium building complex totaling 144 apartments. Each of the 24 condominium buildings including the subject contain an apartment breakdown of: one single-bedroom unit and five two-bedroom units.

The appellant, via attorney, argued that the market value of the subject property was not accurately reflected in its assessed value as the basis of this appeal.

As a procedural matter, the Board found that the tax appeal years 2007 and 2008 involve common issues of law and fact and a consolidation of the appeals for hearing purposes would not

prejudice the rights of the parties. Therefore, without objections from the parties and pursuant to Section 1910.78 of the official rules of the Property Tax Appeal Board (86 Ill.Admin.Code 1910.78), the Board consolidated the 2007 and 2008 property tax appeals for hearing purposes, solely.

In support of the market value argument, the appellant submitted limited sales data on a total of three suggested comparables located within the subject's development. At hearing, it was determined that one of these properties was actually the subject property.

The pleadings reflect that the subject property sold on July 23, 2007 for a price of $600,000. The two other properties are also located within the subject's development. The grid consists of each property's address, parcel number, sale date, and sale price. Based upon this data, these two properties sold from September, 2006, to January, 2007, for prices that ranged from $500,000 to $610,000. The appellant's brief asserted that the subject property and property #3 could not qualify for a mortgage; and therefore, each seller had to finance each purchase. The brief stated that property #1 was not seller financed and reflected a price of $500.000. Thereby, the attorney opined that seller financing was $100,000, while the subject's real estate was actually worth $500,000.

In addition, the appellant's pleadings included two grids reflecting sales data on six apartment buildings which contained six apartments within each building. These apartment buildings located outside of the subject's development sold June, 2006, through April, 2008, for prices that ranged from $308,000 to $520,000.

Moreover, copies of financial and tax summaries for three properties from a source identified as Realinfo were attached to the appellant's pleadings. These summaries related to the condominium building sales #1 through #3.

The appellant's pleadings also include copies of website printouts entitled 'target property detail report' from a source identified as Realinfo reflecting minimal data on sale properties as well as a copy of printouts relating to the subject property from a real estate broker's multiple listing service. The Realinfo printouts reflect only the following regarding each sale: owner's name, owner's address, owner's telephone number, sale amount, sale date and document number. Moreover, the Realinfo printouts stated that "the information therein is deemed reliable, but is not guaranteed". At hearing, the appellant's attorney asserted that the Realinfo printouts support a non-arm's length transaction solely because the mortgage amount is identified thereon.

Further, the pleadings contained a copy of the subject's mortgage and note along with a prepayment penalty rider.

At hearing, the appellant's attorney opined that the subject's purchase via special financing was not on arm's length transaction; and therefore, the total assessment to be accorded the subject should be reduced to $50,000 from its current total assessment of $59,342. However, the appellant's attorney could not point to any provision within the mortgage or attachments which clearly designated the real estate value.

Moreover, the attorney argued that this property received a reduction in assessment for tax year 2009 even though Cook County revised and implemented a different level of assessment in tax year 2009 to all properties sited within the county, including the subject property. However, a copy of the subject's 2009 decision was neither submitted within the appellant's pleadings nor brought to hearing as an exhibit. Based upon this analysis, the appellant requested a reduction in the subject's assessment.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was $59,342. The subject's assessment reflects a market value of $618,146 with the application of the Illinois Department of Revenue's three-year median level of assessment for tax year 2008 of 9.60% for class 2, residential property.

The board of review submitted a one-page sales analysis with a six-line methodology relating to three sales of condominium buildings within the subject's development. The analysis stated that the combined sales prices of the three sales was $1,710,000 less personal property of 4% or $68,400, resulted in an adjusted consideration of $1,641,600. These three sales represented 1.748% of ownership which when applied reflected a full value of $93,913,043. Thereafter, the analysis stated that the full value of the subject with 4.1667% ownership in the development was $3,913,074.

At hearing, the board's representative, Roland Lara, testified that the best evidence of market value is a review of recent sales of condominium buildings located in the subject's development. He asserted that these are accurate indicators of the subject's market value. He argued that all properties purchased have some type of financing and that the subject's financing was not designated as 'special'. He stated that the appellant's argument that $100,000 of a purchase price should be allocated solely to financing and not reflect the realty's value is unconvincing and unsupported.

Further, he testified that the appellant's additional six sales were of apartment buildings with a different property designation accorded by the county assessor than that given to the subject property. He stated that the distinction lies in the fact that apartment buildings are free-standing structures that have no common elements in contrast to condominiums which incorporate a percentage of ownership including a portion of the common elements. Therefore, this analysis is not a comparison of like properties.

He also testified that he had no personal knowledge of why a 4% personal property allocation was accorded to recent sales within the condominium analysis for the subject. However, upon cross examination, the representative testified that procedurally when analyzing the value of a condominium, all recent sales within the subject's development are considered. Moreover, the board of review requested confirmation of the subject's assessment and market value.

In written rebuttal, the appellant argued that the board's analysis failed to make adjustments to the remaining two sales within the subject's development that both parties have employed in their respective analyses. As an alternative, the appellant used nine sales encompassing the condominium buildings and apartment buildings to obtain an average value of $503,111. After deducting personal property and applying a 10% level of assessment, resulted in an assessment of $48,298, which the appellant's attorney asserted should be applied to the subject.

After considering the testimony and arguments as well as 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. 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 finds that the evidence indicates a reduction is not warranted.

In determining the fair market value of the subject property, the Board finds the best evidence to be not only the subject's sale, but also the two sale comparables located within the subject's development submitted by the parties. The undisputed evidence reflects that two condominium buildings sold from September, 2006, to January, 2007, for prices that ranged from $500,000 to $610,000. The Board finds that the subject property sold in July, 2007, for a price of $600,000. This recent sale price is located within the range established by the sale comparables sited within the subject's development and utilized as evidence by both parties.

The Board further finds that these sales reflect a trend of increasing market values; therefore, the Board finds that adjustments should be made to account for this trend as well as

for the distance in sale dates to the January 1, 2008 assessment date at issue. Thereby, the Board finds that the subject's market value is within the adjusted range of sales value and that no reduction is warranted.

The Board accorded no weight to the LoopNet and Realinfo printouts submitted by the appellant's attorney due to the unreliability of said sources, while according little weight to the appellant's sales of apartment buildings due to the contrast of 'like' properties and the failure to make adjustments to these sales for this distinction.

The courts have stated that where there is credible evidence of comparables sales, these sales are to be given significant weight as evidence of market value. In Chrysler Corporation v. Property Tax Appeal Board, 69 Ill.App. 3d 207 (2nd Dist. 1979), the Court further held that significant relevance should not be placed on the cost approach or the income approach especially when there is market data available. Id. Moreover, in Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (5th Dist. 1989), the Court held that of the three primary methods of evaluating property for purposes of real estate taxes, the preferred method is the sales comparison approach.

Furthermore, the Board finds unconvincing the appellant's argument that $100,000 in value should be summarily eliminated from the subject's purchase price without supporting data and/or testimony for this methodology.

Therefore, the Board finds that based upon the market data submitted by both parties that a reduction is not warranted to this subject property.

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.

Chairman

Member

Member

Member

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: August 23, 2013

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.