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

APPELLANT: Terry Markham
DOCKET NO.: 08-23022.001-C-1
PARCEL NO.: 23-13-207-016-0000

The parties of record before the Property Tax Appeal Board are Terry Markham, the appellant, by attorney Brian P. Liston, of Law Offices of Liston & Tsantilis, 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:** | $ 47,737 |
| **IMPR.:** | $ 116,769 |
| **TOTAL:** | $ 164,506 |

Subject only to the State multiplier as applicable.

## Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Cook County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2008 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

## Findings of Fact

The subject property consists of a two-year old, one-story, commercial building used as a retail/fast food restaurant. The property consists of a 20,100 square foot site and is located in Palos Township, Cook County. The subject is classified as a

class 5A, commercial property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. The appellant's grid analysis stated that the subject's building contained 2,200 square feet of building area, without further explanation. In support of this argument, the appellant submitted descriptive and sales data on two grid sheets relating to three suggested sale comparables. The properties sold from June, 2005, to August, 2008, for prices that ranged from $96.15 to $187.71 per square foot of building area. The improvements ranged in size from 1,465 to 4,316 square feet with varying stories, tenants, and amenities. Specifically, the support data indicated that: sale #1 was of a retail store; sale #2 was of a two-story restaurant, bar and banquet hall; and sale #3 was of an office/warehouse showroom.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of $164,506. The subject's assessment reflects a market value of $432,909 or $215.59 per square foot of building area, including land, when applying the level of assessment for class 5A, commercial property under the Cook County Real Property Assessment Classification Ordinance of 38%.

As to the subject, the board of review's cover memorandum stated that the subject's building contained 2,008 square feet, while submitting a copy of the subject's property record card in support thereof. In addition, the memorandum indicated that the subject sold in March, 2006, for a price of $240,000 or $119.52 per square foot, while submitting copies of the deed and transfer declarations.

In support of its contention of the correct assessment, the board of review submitted descriptive and sales data relating to five suggested comparable sales. The improvements are identified as retail/fast food or retail/general freestanding uses. The properties sold from January, 2003, to April, 2008, for prices that ranged from $89.60 to $576.83 per square foot. The buildings ranged in size from 1,800 to 2,200 square feet. The properties' printouts indicate: that sale #2 had no real estate brokers representing the parties in this sales transaction; sale #5 was a sale of a vacant building for land value, while neither party was represented by real estate brokers; and that sales #2, #3 and #5 were fast food locations.

Moreover, the board of review's memorandum stated that the data was not intended to be an appraisal or an estimate of value and should not be construed as such. The memorandum indicated that the information provided therein had been collected from various sources that were assumed to be factual and reliable; however, it further indicated that the writer hereto had not verified the information or sources and did not warrant its accuracy.

The board of review's representative rested on the board's evidence submission, while testifying that he had no personal knowledge of whether the subject's sale transaction was an arm's length transaction.

In rebuttal argument, the appellant's attorney asserted that the appellant's submitted sale properties are better comparables than the properties submitted by the board of review.

**Conclusion of Law**

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). 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 *did not meet* this burden of proof and a reduction in the subject's assessment *is not* warranted.

The Board finds the best evidence of market value to be *appellant's comparable sale #1 as well as the board of review's comparable sales #1, #3, and #4*. These comparables sold for prices ranging from $89.60 to $250.00 per square foot of building area, including land. The subject's assessment reflects a market value of $215.59 per square foot of building area, including land, which is within the range established by the best comparable sales in this record. Based on this evidence and after making adjustments for pertinent factors, the Board finds a reduction in the subject's assessment *is not* justified.

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: October 24, 2014

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.