



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

APPELLANT: Robert Roe  
DOCKET NO.: 08-26852.001-C-1  
PARCEL NO.: 07-34-400-003-0000

The parties of record before the Property Tax Appeal Board are Robert Roe, the appellant; 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:** \$ 4,981  
**IMPR.:** \$ 153,474  
**TOTAL:** \$ 158,455

Subject only to the State multiplier as applicable.

**ANALYSIS**

The subject property consists of a 26,220 square foot parcel of land improved with a 34-year old, one-story, masonry, commercial building containing 3,446 square feet of building area. The appellant submitted evidence before the Property Tax Appeal Board claiming that the market value of the subject property is not accurately reflected in the property's assessed valuation as well as that there is unequal treatment in the assessment process of the improvement as the bases of this appeal.

In support of the market value argument, the appellant submitted: a handwritten income and loss chart for the subject property; the Illinois Sale and Use Tax TeleFile Worksheets for each month in 2008; page one of Form 1040 U.S. Individual Income Tax Return for tax year 2008 for Robert J. Roe and Helen E. Roe (filing jointly); Form 1040 Schedule E Supplemental Income and Loss forms for tax years 2006, 2007, and 2008; and page one of Form 1120 U.S. Corporation Income Tax Returns for tax years 2006, 2007, and 2008 for subject property.

In support of the equity argument, the appellant submitted assessment data, photographs and brief descriptions on a total of seven properties suggested as comparable to the subject. Appellant did not provide any data as to the building square footage of the suggested comparables. The data in its entirety reflects that the properties are improved with a one, two or three-story commercial building. The properties range in age from 4 to 55 years.

Based on this evidence, 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 improvement assessment was \$153,434, or \$44.53 per square feet of building area with a total assessment of \$158,455. The subject's final assessment reflects a fair market value of \$416,987 when the Cook County Real Property Assessment Classification Ordinance level of assessments of 38% is applied. The board also submitted a memo, a photograph of the subject property, the property characteristic card for the subject as well as raw sales data on six properties suggested as sales comparables. The sales occurred between October 2002 and January 2007 for prices ranging from \$500,000 to \$710,000 or from \$113.64 to \$218.46 per square foot of building area. 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 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 (3<sup>rd</sup> Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2<sup>nd</sup> 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 PTAB concludes that the evidence indicates a reduction based on market value is not warranted.

The appellant submitted documentation showing the income, expense and vacancy of the subject property. The PTAB 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 based on vacancy can be useful when shown that they are reflective of the market. The appellant did not demonstrate through an expert in real estate valuation that the subject's actual income and expenses are reflective of the market. To demonstrate or estimate the subject's market value using income, one must establish, through the use of market data, the 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 appellant did not provide such evidence and, therefore, the PTAB gives this argument no weight and finds that a reduction based on market value is not warranted.

Appellants 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, 544 N.E.2d 762 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. Proof of assessment inequity should include assessment data and documentation establishing the physical, locational, and jurisdictional similarities of the suggested comparables to the subject property. *Property Tax Appeal Board Rule* 1910.65(b). Mathematical equality in the assessment process is not required. A practical uniformity, rather than an absolute one is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill. 2d 395, 169 N.E.2d 769 (1960). Having considered the evidence presented, the PTAB concludes that the appellant has not met this burden and that a reduction is not warranted.

The appellant presented assessment data on a total of seven equity comparables. The PTAB does not find these comparables to be similar to the subject. The properties are improved with a one, two or three-story commercial building which range in age from 4 to 55 years. No building square footage data for the suggested comparables was provided by the Appellant. Accordingly, the Appellant has not met the burden of clear and convincing evidence. Additionally, the PTAB gives little weight to the board of review's evidence as the data is merely raw sales data.

After considering the evidence submitted, the PTAB finds the subject's per square foot improvement assessment is 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: March 23, 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.