



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

APPELLANT: Dimitrios P. Yatos
DOCKET NO.: 08-27083.001-R-1
PARCEL NO.: 13-26-220-042-0000

The parties of record before the Property Tax Appeal Board are Dimitrios P. Yatos, the appellant(s), by attorney Patrick J. Cullerton, of Thompson Coburn LLP 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: \$ 12,656
IMPR.: \$ 88,137
TOTAL: \$ 100,793

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 6,027 square foot parcel of land improved with a 89 year old, three-story, multi-family apartment building containing 15 units and 14,052 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 the subject's neighborhood. These properties are described as three story, multi-family apartment buildings. The properties range in age from 81 to 85 years and contain between 13,650 and 26,712 square feet of building area. The properties have improvement assessments that range from \$4.33 to \$4.68 per square foot of building area. The evidence indicates these are partial assessed values and are pro-rated with additional parcels. The subject's improvement assessment is \$6.27 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 submitted copies of Schedule E's from the appellant's federal income tax returns for the subject property for 2004 through 2008, stipulations regarding 2006 and 2007 PTAB appeals, and an income/expense analysis which derived a market value for the subject of \$176,692. 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 \$100,793 for the tax year 2008. The subject's assessment reflects a market value of \$503,965 or \$35.86 per square foot of building area, including land using the Cook County Ordinance Level of Assessment for Class 3, residential property of 20%.

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 filed to indicate that there was any verification of the information or sources of data. The properties sold from April 2003 to March 2010, in an unadjusted range from \$500,000 to \$900,000 or from \$33,333 to \$49,722 per apartment unit. The properties contained buildings that ranged in size from 13,500 to 15,000 square feet of building area. As a result of its analysis, the board requested confirmation of the subject's assessment.

In rebuttal, the appellant's attorney states that the per the Board's 2006 and 2007 prior decisions, as well as the evidence submitted by the appellant, the 2008 assessment should be reduced. In addition, the appellant's attorney discredits the board of review's sale comparable evidence in that they are unadjusted and in different submarkets.

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 appellant also 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 Board does not find these comparables to be similar to the subject in building size. The properties are improved with multi-family apartment buildings that range in size from 13,650 to 26,712 square feet of building area and from 12 to 30 apartment units. In contrast, the subject contains 14,052 square feet of building area and 15 apartment units. The Board finds these suggested comparables are not a persuasive indicator of the subject's assessment inequity given the limited data provided and that include partial assessed values and are pro-rated with additional parcels. Accordingly, the appellant has not met the burden of clear and convincing evidence.

After considering the adjustments and the differences in the comparables when compared to the subject, the Board 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.



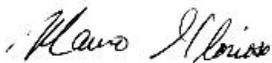
Chairman



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: November 22, 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.