



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

APPELLANT: Juan Flores
DOCKET NO.: 08-28946.001-C-1 through 08-28946.002-C-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Juan Flores, the appellant, by attorney John P. Fitzgerald, of Fitzgerald Law Group, 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 an increase in part and a reduction in part 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
08-28946.001-C-1	33-06-403-024-0000	12,848	72,652	\$85,500
08-28946.002-C-1	33-06-403-026-0000	2,664	4,536	\$7,200

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of two parcels of land containing two improvements thereon. The first parcel's improvement is a 25-year old, one-story, masonry, commercial building, while the second parcel's improvement is a 49-year old, one-story, frame, single-family dwelling with 1,231 square feet of living area.

The appellant argued that the market value of the subject property is not accurately reflected in the property's assessed valuation as the basis of this appeal.

In support of the market value argument, the appellant submitted an appraisal report of the subject property with an effective date of January 1, 2008. The appraiser estimated a total market

value for the subject's two parcels and buildings of \$300,000, based upon development of the sales comparison approach to value for each type of property, both commercial and residential. The appraiser inspected the subject on January 20, 2009. Exterior photographs of the subject and the sale comparables were also included in this appraisal. He developed a highest and best use as vacant, for commercial development, while the highest and best use as improved was its current use. The appraiser estimated that the commercial building contained 4,730 square feet of building area, while the subject's site contained 23,058 square feet of land.

The appraiser developed a sales comparison approach using five sale comparables, each, for the commercial as well as the residential buildings. After making adjustments to the comparables for pertinent factors, the appraiser opined a total market value for the subject of \$300,000 reflecting a market value for the commercial building/parcel of \$225,000 and a market value for the residential building/parcel of \$75,000. Based upon this evidence, the appellant requested a reduction in market value.

The board of review submitted "Board of Review-Notes on Appeal" wherein the subject's total assessment was \$109,345 for the commercial parcel. The subject's assessment reflects a market value of \$287,750 using the Cook County Ordinance level of assessment for commercial class 5A property of 38%. The total assessment for the residential parcel is \$29,247. This assessment reflects a market value of \$304,656 using the Illinois Department of Revenue three-year median level of assessment of 9.6% for class 2, residential property.

In support of the subject's market value as to the commercial property, raw sales data was submitted for 5 properties via Costar Comps printouts. 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 were identified as retail/general freestanding facilities. They ranged in building size from 3,100 to 6,000 square feet of building area and sold in an unadjusted range from \$58.33 to \$285.17 per square foot of building area.

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.

As to the subject's residential parcel and building, the board submitted property characteristic printouts for 5 suggested equity comparables. Based upon this data, the board of review requested a reduction to the subject's residential parcel and building.

After considering the arguments and reviewing the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. After submission of the parties' evidence, they waived their right to a hearing.

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, 331Ill.App.3d 1038 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd 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 Board concludes that the appellant has met this burden and that an increase in part as well as a reduction in part is warranted.

The Board finds the best evidence of the subject's market value to be the appellant's appraisal, which utilized one of the three traditional approaches to value in developing the subject's market values. The Board also finds the appraisal to be persuasive for the appraiser: has experience in appraising and assessing property; personally inspected the subject property; estimated a highest and best use for the property; and utilized market data in undertaking the sales comparison approach to value for both the commercial and residential parcels, while making adjustments to the comparables where necessary.

In contrast, the Board finds that the board of review submitted either raw, unadjusted sales data and/or current valuations of properties or suggested equity comparables which by the board of review's own initiative requested a reduction to the residential parcel.

Therefore, the Board finds that the subject property contained market values of \$225,000 and \$75,000, respectively for the commercial and residential parcels. Since the market values of the subject have been established, the appropriate assessment levels will be applied. Therefore, the Board finds that an increase in part and a reduction in part is 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. Ferr

Member

Member

Mark Morris

Member

JR

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: April 18, 2014

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.