



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

APPELLANT: Johanna Morgan
DOCKET NO.: 08-30256.001-I-1
PARCEL NO.: 32-21-201-038-0000

The parties of record before the Property Tax Appeal Board are Johanna Morgan, the appellant, by attorney Frederick R. Dempsey of the Law Office of Frederick R. Dempsey, Chicago, Illinois; and the Cook County Board of Review.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction 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: \$17,035
IMPR.: \$10,685
TOTAL: \$27,720**

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a one-story building of brick construction that contains 6,000 square feet of building area. The building was constructed in 1956. The subject property has a 46,641 square foot site and is located in Chicago Heights, Bloom Township, Cook County. The property is classified as a class 5-93 industrial building under the Cook County Real Property Assessment Classification Ordinance (hereinafter "Ordinance") and is to be assessed at 36% of market value.

The appellant contends overvaluation based on a recent sale of the subject property. In support of this argument the appellant completed Section IV - Recent Sale Data on the Industrial Appeal form disclosing the subject property was purchased in October 2005 for a price of \$77,000. The appellant indicated that the parties to the transaction were not related and the property was advertised for sale on the internet. To further document the sale the appellant provided a copy of the Industrial Building Purchase Contract, a copy of the settlement statement, a copy of the warranty deed and a copy of the Illinois Real Estate Transfer Declaration.

In the brief submitted on behalf of the appellant, counsel explained the subject property is an owner-occupied crematory known as Heights Crematory. The appellant's attorney explained the subject's assessment was reduced in 2005 and 2006 by the assessor to \$27,720 to reflect the purchase price. He further explained that the subject property was the subject matter of an appeal before the Property Tax Appeal Board in 2007 under Docket Number 07-28836.001-I-1. In that appeal the Property Tax Appeal Board issued a decision reducing the assessment of the subject property to \$27,720 based on a settlement. The appellant's attorney argued the October 21, 2005 purchase price is still the best indicator of the property's market value as of January 1, 2008 and requested the subject's assessment be reduced to \$27,720.

The board of review submitted its "Board of Review Notes on Appeal" wherein its final assessment of the subject totaling \$49,678 was disclosed. The subject's assessment reflects a market value of \$137,994 or \$23.00 per square foot of building area, land included, when applying the 36% Ordinance level of assessment for class 5-93 industrial property.

In support of the assessment the board of review provided information on five comparable sales improved with one-story industrial warehouse buildings that ranged in size from 5,000 to 7,000 square feet of building area. The information provided by the board of review indicated that four of the buildings were constructed from 1968 to 1995. The comparables had ceiling heights that ranged from 12 to 18 feet. The comparables were located in Orland Park, Alsip, Markham and Frankfort. The sales occurred from April 2004 to October 2009 for prices ranging from \$315,000 to \$600,000 or from \$63.00 to \$100.00 per square foot of building area, including land.

In rebuttal the appellant provided a new comparable sale. The Board finds this new comparable is improper rebuttal evidence pursuant to section 1910.66(c) of the rules of the Property Tax Appeal Board which provides that, "[r]ebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties." (86 Ill.Admin.Code 1910.10(c)). Based on this rule, the Property Tax Appeal Board will not consider the new comparable sale submitted by the appellant as rebuttal evidence.

The appellant's counsel further argued in rebuttal that the board of review provided no industrial sales located in Chicago Heights. He further asserted the comparables submitted by the board of review were located from 10.59 to 18.07 miles from the subject property, which was supported by Mapquest estimates of driving distances (Appellant's Exhibit B). The appellant's attorney also argued the comparables submitted by the board of review were located in communities with average household incomes between 33% and 244% higher than Chicago Heights, which was supported by information from the website MuniNetGuide.com (Appellant's Exhibit C).

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 the appeal. The Board further finds a reduction in the assessment of the subject property is supported by the evidence in the record.

The appellant contends overvaluation as the basis of the appeal. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). 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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value in the record to be the October 21, 2005 purchase of the subject property for a price of \$77,000. The record disclosed the parties to the transaction were not related and the property was exposed on the open market. The Board further finds that although the sale of the subject property occurred in excess of two years prior to the assessment date at issue, the board of review submitted information on two comparable sales that sold in 2004, which indicates that the subject's sale date is relevant and probative of market value for assessment purposes.

The Property Tax Appeal Board gives little weight to the comparable sales submitted by the board of review due to the fact that each was an industrial warehouse unlike the subject which is used as a crematory. Additionally, the Board finds four of the comparables were significantly newer than the subject building and each was located in a community that appeared to be superior to Chicago Heights based on the reported average household incomes that were between 33% and 244% higher than Chicago Heights.

Based on this record the Board finds the subject property had a market value of \$77,000 as of January 1, 2008 and the 36% level of assessments for class 5-93 industrial property under the Ordinance shall apply.

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: April 20, 2012



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.