



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

APPELLANT: Svetlana Vidovic
DOCKET NO.: 09-20048.001-R-1
PARCEL NO.: 10-36-316-035-0000

The parties of record before the Property Tax Appeal Board are Svetlana Vidovic, the appellant(s); 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: \$10,125
IMPR.: \$34,375
TOTAL: \$44,500

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 5,625 square foot parcel of land improved with a 46 year old, three-story, masonry building containing six dwelling units. The subject contains seven baths, and a partial basement. The appellant argued that the fair market value of the subject was not accurately reflected in its assessed value, and that the Cook County Assessor's records regarding the subject's improvement size are incorrect.

In support of the market value argument and square footage argument, the appellant submitted sales comparables and an appraisal. The sales comparables are described as three-story, masonry buildings, ranging in age from 45 to 75 years old, and containing from three to six dwelling units, with 4,358 to 6,360 square feet of living area. These buildings all contain six baths, and two comparables have a basement area. These comparables sold from December 2008 to August 2009 for \$487,000 to \$600,000, or \$93.56 to \$112.44 per square foot of living area.

The appraisal was undertaken by John R. Pogacnik, MAI of Pillar Appraisal, Inc. The appraisal states that Pogacnik is a State of Illinois certified general real estate appraiser. The appraisal states that the subject had an estimated market value of \$500,000 as of January 1, 2009. The appraisal utilized the three

traditional approaches to value to estimate the market value for the subject property. The appraisal finds the subject's highest and best use is its present use.

In describing the subject property, the appraisal lists the subject as containing 6,398 square feet of building area. The appraisal includes a drawing of the subject with the dimensions included.

Under the cost approach to value, the appraisal used recent sales of vacant property near the subject. Using this approach, the appraisal estimated that the subject's land value was \$225,000, rounded. The replacement cost new was utilized to determine a cost for the improvement at \$738,521, rounded. The appraisal depreciated the improvement by 63% for a value of \$273,253. The land and the depreciated contributory value of site improvements, which was \$6,000, was added back in to establish a value under the cost approach of \$505,000, rounded.

In the income approach to value, the appraiser analyzed the subject's rents to estimate a potential annual gross income of \$68,400. Vacancy and collection losses were estimated at 5%. Annual expenses were estimated to be \$16,749. Therefore, the net operating income was estimated to be \$48,231. A loaded capitalization rate of 9.75% was utilized to estimate a value under the income approach of \$500,000, rounded.

Under the sales comparison approach, the appraiser analyzed the sales of four three story, masonry buildings, containing six dwelling units each, and from 4,358 to 7,548 square feet of living area. The ages of the buildings were not provided. The comparables sold from June 2008 to May 2009 for prices ranging from \$490,000 to \$660,000, or from \$85.58 to \$130.67 per square foot of building area, land included. The appraisal adjusted each of the comparables for pertinent factors. Based on the similarities and difference of the comparables when compared to the subject, the appraisal estimated a value for the subject under the sales comparison approach of \$80.00 per square foot of building area, or \$511,840. The appraiser estimated that the cost per unit for the subject was \$84,000, multiplied by six units, for a total of \$504,000. The appraisal reconciled these two amounts at \$505,000 as the final estimated value under the sales comparison approach.

In reconciling the three approaches to value, the appraisal arrived at a final estimate of value for the subject as of January 1, 2009 of \$500,000. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$73,600 was disclosed. The subject's final assessment reflects a fair market value of \$826,966 when the Illinois Department of Revenue 2009 three-year median level of assessment of 8.90% for Class 2 properties is applied. The board of review lists the subject as

containing 7,875 square feet of building area. In support of the subject's assessment, the board of review presented descriptions and assessment information on four comparables located within the subject's subarea. The properties consist of three-story, masonry buildings, ranging from 80 to 84 years old, and containing 6,819 to 7,766 square feet of living area. These properties all contain six baths, a full unfinished basement, and either a two and one-half-car or three and one-half-car garage. These comparables have improvement assessments ranging from \$7.96 to \$8.40 per square foot of living space.

The board of review's Comparable #4 also included sales data. Comparable #4 was sold in February 2006 for \$760,000, or \$111.45 per square foot of living area.

The board of review also submitted a list of sales of properties located within the subject's neighborhood. This list included the PIN, deed number, the date of the sale, and the sale price for twenty properties. No other information was given regarding these properties. Based on this evidence, the board 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 (3d Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2d 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 evidence indicates a reduction is warranted.

As to the subject's size, the Board finds that the appellant submitted sufficient evidence to establish the subject's size at 6,398 square feet of building area. The appraisal states the subject was personally inspected and measured, and a diagram of the subject was included. The board of review was unable to provide any evidence to support their position on the subject's size. Therefore, the Board finds the subject contains 6,398 square feet of building area.

In determining the fair market value of the subject property, the Board finds the best evidence to be the appellant's appraisal. The appellant's appraiser utilized the three traditional approaches to value in determining the subject's market value. The Board finds this appraisal to be persuasive because the appraiser has experience in appraising, personally inspected the subject property and reviewed the property's history, and used similar properties in the sales comparison approach while

providing adjustments that were necessary. The Board gives little weight to the board of review's Comparable #4 as the information provided was unadjusted raw sales data.

Therefore, the Board finds the subject had a market value of \$500,000 for the 2009 assessment year. Since the market value of this parcel has been established, the Illinois Department of Revenue's 2009 three-year median level of assessment of 8.90% for Class 2 properties will apply. In applying this level of assessment to the subject, the total assessed value is \$44,500, while the subject's current total assessed value is above this amount. Therefore, the Board finds that a reduction 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.

Donald 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: April 20, 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.