



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

APPELLANT: Wafeek Aiyash
DOCKET NO.: 09-25149.001-R-1
PARCEL NO.: 20-25-101-025-0000

The parties of record before the Property Tax Appeal Board are Wafeek Aiyash, the appellant, by attorney Ellen G. Berkshire, of Verros, Lafakis & Berkshire, 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 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: \$ 15,957
IMPR.: \$ 194,604
TOTAL: \$ 210,561

Subject only to the State multiplier as applicable.

ANALYSIS

The subject has 13,298 square feet of land that is improved with a 79 year old, three-story, masonry, apartment building. The subject's improvement size is 26,586 square feet of building area, and its total assessment is \$210,561. This assessment yields a fair market value of \$1,316,006, or \$49.50 per square foot of building area (including land), after applying the 2009 Cook County Classification Ordinance level of assessment for Class 3 properties of 16%. The appellant, via counsel, argued that the fair market value of the subject property was not accurately reflected in its assessed value as the basis of this appeal. The appellant also argued that the subject's assessment should be reduced due to vacancy.

In support of the market value argument, the appellant submitted descriptive information for five sales comparables. The comparables are described as three-story, masonry, apartment buildings. Additionally, the comparables range from 81 to 111

years old and have from 20,616 to 23,796 square feet of building area. They sold from 2006 through 2009 for prices ranging from \$1,050,000 to \$1,120,000, or \$47.07 to \$50.00 per square foot, including land. The comparables also have several amenities. Based on this evidence, the appellant requested a reduction in the subject's improvement assessment.

In support of the vacancy claim, the appellant submitted: a copy of a general affidavit; a copy of an occupancy/vacancy affidavit; black and white photographs of the subject property; income/expense affidavits for 2007 through 2009; an affidavit signed by the contractor/building manager attesting to the vacancy; and a contractor's narrative overview detailing repairs intended for the subject property. The appellant's affidavit disclosed that the subject property was 100% vacant from January 1, 2009 through December 31, 2009. Based upon this evidence, the appellant requested a reduction in the subject's improvement assessment.

The Cook County Board of Review submitted its "Board of Review-Notes on Appeal," wherein the subject's total assessment of \$210,561 was disclosed. In support of the subject's assessment, the board of review submitted descriptive information for five properties suggested as comparable to the subject. However, no assessment information was included for these properties. The comparables are described as three-story, masonry, apartment buildings. Additionally, the comparables are from 44 to 83 years old, and have from 18,775 to 24,900 square feet of building area. The comparables also have various amenities.

The board of review's grid sheet also states that the subject sold in April 2007 for \$1,295,000, or \$48.71 per square foot of living area, including land; comparable #1 sold in March 2008 for \$1,300,000, or \$68.24 per square foot of living area, including land; comparable #2 sold in March 2009 for \$1,250,000, or \$50.20 per square foot of living area, including land; comparable #3 sold in April 2008 for \$1,170,000, or \$62.32 per square foot of living area, including land; comparable #4 sold in February 2009 for \$1,274,000, or \$52.98 per square foot of living area, including land; and comparable #5 sold in December 2008 for \$1,417,000, or \$68.13 per square foot of living area, including land. 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 (the "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. Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 339 Ill. App. 3d 529, 545 (1st Dist. 2002); National City Bank of Michigan/Illinois v. Prop. Tax Appeal Bd., 331 Ill. App. 3d 1038, 1042 (3d Dist. 2002) (citing Winnebago Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 313 Ill. App. 3d 179 (2d Dist. 2000)); 86 Ill. Admin. Code § 1910.63(e). 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. Calumet Transfer, LLC v. Prop. Tax Appeal Bd., 401 Ill. App. 3d 652, 655 (1st Dist. 2010); 86 Ill. Admin. Code § 1910.65(c). Having considered the evidence presented, the Board finds that the evidence indicates a reduction is not warranted.

The Board finds that comparables #1, and #2 submitted by the appellant as well as comparables #1, #2 and #5 submitted by the board of review were most similar to the subject in location, size, style, exterior construction, features, and/or age. Due to their similarities to the subject, these comparables received the most weight in the Board's analysis. These comparables had a price per square foot that ranged from \$47.07 to \$68.24, including land. The subject's price per square foot of \$49.50 is within the range established by the most similar comparables. It should be noted that the subject is also within the range established by the appellant's suggested comparables. Therefore, after considering adjustments and differences in both parties' comparables when compared to the subject, the Board finds that the subject is not overvalued, and a reduction in the subject's assessment is not warranted on this basis.

As to the appellant's market value argument, counsel submitted evidence contending the subject is incorrectly assessed based on vacancy. The Board finds no evidence in the record that the subject's assessment is incorrect when vacancy is considered. The mere assertion that vacancies in a property exist, does not constitute proof that the assessment is incorrect or that the fair market value of a property is negatively impacted. There was no showing that the subject's market value was impacted by its vacancy during 2009. In fact, the appellant's affidavit indicates the subject property was purchased when the property was vacant for \$48.71 per square foot, including land, which is within the range of the most similar sales comparables.

As a result of this analysis, the Property Tax Appeal Board finds the appellant has failed to adequately demonstrate that the subject's improvement was overvalued and a reduction in the subject's improvement 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: July 18, 2014



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.