



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

APPELLANT: F. Dean Armstrong
DOCKET NO.: 09-26230.001-C-1
PARCEL NO.: 31-01-423-003-0000

The parties of record before the Property Tax Appeal Board are F. Dean Armstrong, the appellant(s), by attorney Arnold G. Siegel, of Siegel & Callahan, 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 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: \$31,926
IMPR.: \$13,074
TOTAL: \$45,000

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of 15,963 square feet of land that is improved with an 84 year old, multi-level, frame and masonry, commercial building with 1,524 square feet of building area. The subject is being used as restaurant, and contains a dining area, a bar, two bathrooms, a kitchen, two offices, a brewery area, and a partial unfinished basement. The appellant, via counsel, argued that the subject's market value was not accurately reflected in its assessment.

In support of the market value argument, the appellant submitted an appraisal undertaken by Leslie Kruse, an independent appraiser from Chicago, Illinois. The report states that Kruse is licensed as State of Illinois Certified General Real Estate Appraiser. The appraiser stated that the subject had an estimated market value of \$180,000 as of January 1, 2008. Included in the appellant's evidence, is a letter from Kruse stating that, had the appraisal had an effective date of January 1, 2009, the estimated market value would remain at \$180,000. The appraisal report utilized the sales comparison approach to value to estimate the market value for the subject property. The appraisal states that Kruse personally inspected the subject, and that the subject's highest and best use as improved is its current use.

Under the sales comparison approach, the appraiser analyzed the sales of five comparables, described as one-story or multi-story, masonry, commercial buildings that range in age from 38 to 58 years old, and in size from 2,340 to 10,400 square feet of building area. These sales comparables sold from June 2005 to September 2008 for prices ranging from \$46,000 to \$450,000, or from \$19.66 to \$67.16 per square foot of living area. The appraiser adjusted each of the comparables for pertinent factors. Based on the similarities and differences of the comparables when compared to the subject, the appraiser estimated a value for the subject under the sales comparison approach of \$180,000, rounded.

The cost approach to value and the income approach to value were not developed for the appraisal. The appraiser stated that the sales comparison approach to value is considered the most reliable, and therefore, is given the most weight when appraising properties like the subject. Thus, the appraiser concluded that the subject's appraised value was \$180,000 as of January 1, 2008. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The Cook County Board of Review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$96,178 was disclosed. In support of the subject's assessment, the board of review submitted a property record card for the subject, and raw sales data for four commercial properties located within five miles of the subject. The sales data was collected from the CoStar Comps service, and the CoStar Comps sheets state that the research was licensed to the assessor's office. However, the board of review included a memorandum which states that the submission of these comparables is not intended to be an appraisal or an estimate of value, and should not be construed as such. The memorandum further stated that the information provided was collected from various sources, and was assumed to be factual, accurate, and reliable; but that the information had not been verified, and that the board of review did not warrant its accuracy.

The suggested comparables contained buildings that range in age from 4 to 25 years old, and in size from 1,636 to 8,000 square feet of building area. However, the board of review's evidence did not state the age of Comparable #3. The properties sold from September 2004 to November 2005 in an unadjusted range from \$787,500 to \$2,575,000, or from \$130.00 to \$611.25 per square foot of building area, land included. The printouts also indicate that none of the sales involved real estate brokers. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, the appellant waived the previous request for an oral hearing, and re-affirmed the evidence previously submitted.

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 a reduction is warranted.

In determining the fair market value of the subject property, the Board finds the best evidence to be the appraisal submitted by the appellant, in conjunction with the letter from the appraiser stating that the value of the subject would not have change from January 1, 2008 to January 1, 2009. The appraiser utilized the sales comparison approach to value in determining the subject's market value. The Board finds this appraisal persuasive because the appraiser has experience in appraising, personally inspected the subject, 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 comparables as the information provided was unadjusted raw sales data, and was admittedly not intended to be an estimate of value.

Therefore, the Board finds the subject had a market value of \$180,000 for tax year 2009. Since market value has been determined, the Cook County Real Property Classification Ordinance as in effect for tax year 2009 shall apply. The subject is classified as a class 5-17 property. Therefore, the applicable assessment is 25% of the subject's fair market value, which equates to \$45,000. The subject's current total assessed value is higher than this value, and, therefore, the Board finds 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: September 21, 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.