



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

APPELLANT: Mark Foreit
DOCKET NO.: 09-27262.001-R-1
PARCEL NO.: 21-30-321-027-0000

The parties of record before the Property Tax Appeal Board are Mark Foreit, the appellant, by attorney Michael T. Reynolds, of Rieff Schramm Kanter & Guttman 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: \$ 8,549
IMPR.: \$ 93,793
TOTAL: \$102,342

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Cook County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2009 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property is an 84 year-old, three-story residential apartment building of masonry construction containing 12,228 square feet of living area. The property has a 7,125 square

foot site and is located in Hyde Park Township, Cook County. The subject is classified as a class 3-15 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's appeal is based on overvaluation. In support of this argument, the appellant submitted three color photographs of the subject and an income and expense analysis of the subject supported by Profit and Loss Statements for calendar years 2007 through 2009. The appellant used three years of income and expense data to argue in his brief that income was stabilized at \$90,000 and expenses stabilized at a 60% ratio, or \$54,000, to arrive at stabilized net income of \$36,000. The appellant explained in his brief that his assumed capitalization rate of 12.35% was the product of 10.00% attributed to the age of the building and 2.35% attributed to the tax load. No further information was submitted in support of the assumption of the 12.35% capitalization rate. The analysis indicated the subject has an estimated 2009 market value of \$291,498 by applying the assumed 12.35% capitalization rate to the \$36,000 stabilized net income.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$102,342. The subject's assessment reflects a market value of \$639,638 or \$52.31 per square foot of living area, when using the board of review's indicated size of 12,228 square feet and the 16% level of assessment for class 3 property under the Cook County Real Property Assessment Classification Ordinance.

In support of its contention of the correct assessment, the board of review submitted information on six suggested comparable sales that ranged from \$47.48 to \$144.65 square feet of living area including land.

Conclusion of Law

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). 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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the appellant's income and expense analysis flawed in that it lacked market sales data. This report did not include any market sales or justify why sales were not included within the analysis.

The Illinois Appellate Court has held that "[w]here the correctness of the assessment turns on market value and there is evidence of a market for the subject property, a taxpayer's submission that excludes the sales comparison approach in assessing market value is insufficient as a matter of law." Cook Cnty. Bd. of Review v. Ill. Prop. Tax Appeal Bd., 384 Ill. App. 3d 472 at 484 (1st Dist. 2008). The Court recently revisited this issue in Bd. of Educ. of Ridgeland Sch. Dist. No. 122, Cook Cnty. v. Prop. Tax Appeal Bd., 2012 IL App. (1st) 110461. While the use of only one valuation method is not inadequate as a matter of law, the evidence must support such a practice and the owner must explain why the excluded valuation methods were not used in the evidence presented to the Board. Ridgeland, supra. at ¶ 29.

In this case, the appellant provided no plausible reason for relying solely on an income approach to valuation and excluding a sales comparison valuation method. Therefore, reliance on the appellant's income and expense is insufficient. Further, there is no evidence in the record to support the appellant's assertion of a 12.35% capitalization rate.

Therefore, the Board finds the subject's assessment is reflective of market value and a reduction in the subject's assessment is not justified.

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

Mark Albino

Member

[Signature]

Member

Member

Jerry White

Acting 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 24, 2015

[Signature]

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.