FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Harry Perl
DOCKET NO.: 10-20803.001-R-1
PARCEL NO.: 14-20-311-001-0000

The parties of record before the Property Tax Appeal Board are Harry Perl, the appellant, by attorney John P. Fitzgerald, of John P. Fitzgerald, Ltd. 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:	$28,972
IMPR.:	$55,528
TOTAL:	$84,500

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property is improved with a three-story with full unfinished basement apartment building containing 13 units and 11,375 square feet of building area. All of the units are one-bedroom, one bath units. The building was constructed in 1926 and is located on a 5,943 square foot site.

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. In support of this overvaluation argument the appellant submitted an appraisal estimating the subject property had a market value of $650,000 as of January 1, 2009. The appraiser developed all three of the traditional approaches to value in estimating a value for the subject property. Under the cost approach the appraiser used five land sales to develop an estimated land value of $40.00 per square foot for the subject reflecting a land value of $240,000, rounded. Using the R.S. Means Square Foot Costs manual a reproduction cost new was developed indicating a value of $2,010,000. The appraiser estimated total depreciation of 80%

and adding the land value indicated a total depreciated value of the improvements and land of $640,000, rounded.

The appraisal indicated that the income approach to value is based upon the principle of anticipation. Six rental properties, including the subject, were reviewed resulting in a monthly rental rate of $1,050 per unit. The subject property also has one surface parking space that is leased for $100 per month. Total potential income for the subject was estimated at $165,000. Less a 15% vacancy and collection loss and a total expense ratio of 40.9% or $57,300 resulted in a net operating income estimate of $82,950 Applying a 12.77% capitalization rate reflected a value estimate under the income approach of $650,000, rounded.

Under the sales comparison approach to value the appraiser utilized five comparable sales in estimating a value for the subject property. The comparable sales sold from February 2005, through March 2009 for prices that ranged from $35,556 to $49,583 per apartment unit, land included. After making adjustments to the properties, the appraiser estimated the subject's market value to be $50,000 per unit or $650,000. The appraiser also performed an analysis based upon the sale price per square foot of building area and concluded a value of $659,750 for the subject property. Reconciling the estimates of value, the appraiser concluded a value under the sales comparison approach of $655,000, rounded as of January 1, 2009.

A final reconciliation of the three approaches yielded an estimate of value for the subject property of $650,000 as of January 1, 2009.

The appellant also submitted a copy of the final decision issued by the Cook County Board of Review establishing a total assessment for the subject of $110,257, which reflects a market value of approximately $848,131 using the Cook County Real Property Assessment Classification Ordinance level of assessments for class 3-15 property of 13%. Based on this evidence the appellant requested the subject's assessment be reduced to reflect the subject's appraised value.

The board of review did not submit its "Board of Review Notes on Appeal" or any evidence in support of its assessed valuation of the subject property.

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. The Board further finds the evidence in the record supports a reduction in the subject's assessment.

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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board,

331 Ill.App.3d 1038 (3rd Dist. 2002). Proof of the market value of the subject property may consist of an appraisal of the subject property as of the assessment date at issue. (86 Ill.Admin.Code 1910.65(c)(1)). 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 is the appraisal submitted by the appellant estimating the subject property had a market value of $650,000 as of January 1, 2009. The Board finds the subject's assessment reflects a market value greater than the appraised value presented by the appellant. The board of review did not submit any evidence in support of its assessment of the subject property or to refute the appellant's argument as required by section 1910.40(a) of the rules of the Property Tax Appeal Board and is found to be in default pursuant to section 1910.69(a) of the rules of the Property Tax Appeal Board. Based on this record the Property Tax Appeal Board finds the subject property had a market value of $650,000 as of January 1, 2010. Since market value has been determined the 13% level of assessment for class 3-15 property under the Cook County Real Property Assessment Classification Ordinance shall apply. 86 Ill.Admin.Code 1910.50(c)(3).

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 19, 2013

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.