FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD

APPELLANT: Maria Elena Morando Trust 122549
DOCKET NO.: 10-29020.001-C-1
PARCEL NO.: 13-29-426-040-0000

The parties of record before the Property Tax Appeal Board are Maria Elena Morando Trust 122549, the appellant(s); 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:	$ 12,710
IMPR.:	$ 83,514
TOTAL:	$ 96,224

Subject only to the State multiplier as applicable.

ANALYSIS

The subject contains 6,208 square feet of land and is improved with a 45 year old, two-story, masonry, mixed-use building. The subject's improvement size is 8,172 square feet of building area, which equates to an improvement assessment of $10.22 per square foot of building area. Its total assessment is $96,224, which yields a fair market value of $740,185, or $90.58 per square foot of building area (including land), after applying The appellant argued that there was unequal treatment in the assessment process of the subject's improvement, and also that the fair market value of the subject property was not accurately reflected in its assessed value as the bases of this appeal.

In support of the equity argument, the appellant submitted descriptive and assessment information for three properties suggested as comparable to the subject. The comparables are described as two-story, masonry, residential apartment buildings. Additionally, the comparables range: in age from 81 to 88 years; in size from 5,000 to 11,372 square feet of building area; and in improvement assessments from $4.28 to $7.48 per square foot of building area. The comparables also have various amenities.

In support of the market value argument, the appellant submitted descriptive and sales information for the same three comparables.

The comparables sold from March 1991 to September 2005 for $215,000 to $1,225,000, or $18.91 to $177.23 per square foot of building area, including land. In addition, the appellant’s grid sheet indicates the subject property sold in June 1990 for $430,000. Based on 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 final assessment of $96,224 was disclosed. In support of the subject's assessment, the board of review submitted a property record card for the subject. The property record card indicates the subject is a mixed-use, assessor’s class 3-18, mixed-use, two-story building that contains 8,172 square feet. The board of review’s evidence also contained raw sales data for six mixed-use buildings 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 Cook County 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 states 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 comparables are described as two-story or three-story, masonry, commercial buildings. Additionally, the comparables are from 78 to 118 years old, and have from 4,900 to 13,338 square feet of building area. The comparables sold between April 2005 and December 2008 for $680,000 to $1,400,000, or $77.60 to $237.60 per square foot of building area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the appellant submitted three maps to clarify the location and neighborhood of both parties’ comparables. The appellant also stated that the board of review’s sales comparables are located outside of the subject property’s neighborhood. The board of review’s representative stated that the subject has been classified by the assessor as a Class 3-18 property and is a mixed use commercial and residential building with seven or more units. The board of review’s representative also stated that the subject contains 8,172 square feet of building area.

After reviewing the record, considering the evidence, and hearing the testimony, the Property Tax Appeal Board (the "Board") finds that it has jurisdiction over the parties and the subject matter of this appeal.

As to the subject’s size and use, the board of review submitted the subject’s property record card that contained an assessor’s field check report and a diagram that included the subject

building's exterior measurements. The property record card indicates the subject is a two-story mixed-use building that contains 8,172 square feet of building area. The appellant did not submit any evidence to dispute the subject's size or use. As such, the Board finds the subject is a mixed-use building that contains 8,172 square feet of building area.

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.

As to the appellant's argument that the fair market value of the subject property is not accurately reflected in its assessed value, the Board finds that none of the comparables submitted by the parties were similar to the subject in location, size, style, exterior construction, features. The appellant submitted three sales that had sales dates from 1991 to 2005. The Board finds that these sales are too distant in time from the January 1, 2010 lien date at issue. As such, the Board finds that the appellant has not met the burden of a preponderance of the evidence, as there is no range of sales comparables with which to compare the subject. In addition, the Board finds that the purchase of the subject property in June 1999 is too distant in time, from the January 1, 2010 lien date at issue, to be useful in determining the market value of the subject. Therefore, the Board finds the subject is not overvalued, and a reduction in the subject's assessment is not warranted based on the sales comparables submitted by the parties.

The appellant contends unequal treatment in the subject's improvement assessment as the basis of this appeal. Taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Walsh v. Prop. Tax Appeal Bd., 181 Ill. 2d 228, 234 (1998) (citing Kankakee Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 131 Ill. 2d 1 (1989)); 86 Ill. Admin. Code § 1910.63(e). To succeed in an appeal based on lack of uniformity, the appellant must submit documentation "showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property." Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 403 Ill. App. 3d 139, 145 (1st Dist. 2010); 86 Ill. Admin. Code § 1910.65(b). "[T]he critical consideration is not the number of allegedly

similar properties, but whether they are in fact 'comparable' to the subject property." Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 403 Ill. App. 3d at 145 (citing DuPage Cnty. Bd. of Review v. Prop. Tax Appeal Bd., 284 Ill. App. 3d 649, 654-55 (2d Dist. 1996)). After an analysis of the assessment data, the Board finds that the appellant has not met this burden.

The Board finds that none of the comparables submitted by the parties were similar to the subject in style or use. The appellant’s comparables are a different assessor’s class than the subject. The appellant’s comparables are assessor’s class 2-12 properties which are assessed at a 10% assessment level under the 2010 Cook County Classification of Real Property Ordinance. A class 2-12 property is a mixed-use building with six units or less and contains less than 20,000 square feet of building area. In contrast, the subject is a class 3-18 building with seven or more units and is assessed at a 13% assessment level for commercial properties under the 2010 Cook County Classification of Real Property Ordinance. As such, the Board finds the appellant’s suggested comparables to be too dissimilar to the subject to be useful in proving the disparity of assessment valuations by clear and convincing evidence. As such, the appellant has not met the burden of clear and convincing evidence, as there is no range of equity comparables with which to compare the subject. Therefore, the Board finds the subject's improvement assessment is equitable and a reduction in the subject's 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: February 21, 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.