



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

APPELLANT: Jozef Mastalerz
DOCKET NO.: 10-31690.001-I-1 through 10-31690.003-I-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Jozef Mastalerz, the appellant; 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
10-31690.001-I-1	12-27-124-001-0000	3,710	23,797	\$ 27,507
10-31690.002-I-1	12-27-124-002-0000	3,710	22,300	\$ 26,010
10-31690.003-I-1	12-27-124-003-0000	3,710	22,367	\$ 26,077

Subject only to the State multiplier as applicable.

ANALYSIS

The subject contains 9,375 square feet of land and is improved with a 58 year old, one-story, masonry, industrial building. The subject's improvement size is 7,500 square feet of building area, and its total assessment is \$99,208. This assessment yields a fair market value of \$396,832, or \$52.91 per square foot of building area (including land), after applying the 25% assessment level for industrial properties under the 2010 Cook County Classification of Real Property Ordinance. The appellant argued that the fair market value of the subject property was not accurately reflected in its assessed value as the basis of this appeal.

In support of the market value argument, the appellant submitted an industrial appraisal report for the subject property with an effective date of May 27, 2011. The appraiser estimated a fair market value for the subject of \$210,000 based on the cost and sales comparison approaches to value. The appraisal shows five sales comparables. Comparables #3 is a listing and not a sale and as such is given no weight. The remaining comparables are described as one-story, masonry, industrial buildings. Additionally, the comparables have from 4,500 to 20,786 square feet of building area. The comparables sold between February 2008 and November 2010 for sale prices that ranged from \$259,900

to \$950,000 or \$20.44 to \$76.66 per square foot of building area, including land. 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 \$99,208 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 five industrial 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 one-story, masonry, industrial buildings. Additionally, the comparables have from 5,500 to 9,500 square feet of building area. The comparables sold between April 2009 and December 2010 for \$195,000 to \$660,000, or \$35.45 to \$92.32 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 stated that he had recently obtained an appraisal and based on the appraisal, the subject's market value should be reduced. The appellant also indicated that the subject needed repairs as the subject has leaks and cracks in the walls and roof. The board of review's representative stated that the appellant's appraisal should not be given weight as the appraiser was not present to testify.

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.

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 warranted.

The Board finds that as the appraiser did not attend the hearing, the Board is unable to consider the appraiser's adjustments; however, the Board will consider the comparable sales listed in the appraisal.

The Board notes that appellant's comparable #1 and the board of review's comparable #4 are the same property. The Board finds this comparable in addition to the board of review's comparables #1 and #3 to be the 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 range in price per square foot from \$42.45 to \$47.37 per square foot of building area, including land. The subject's assessment yields a market value of \$52.91 per square foot of living area (including land), after applying the 2010 Cook County Classification of Real Property Ordinance assessment of 25% for industrial properties. The subject's price per square foot is above the range of the most similar comparables. Therefore, the Board finds that 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.



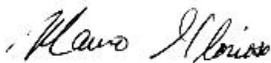
Chairman



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.