

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Ella Watkins
DOCKET NO.: 04-28788.001-C-1
PARCEL NO.: 25-16-329-003-0000

The parties of record before the Property Tax Appeal Board (PTAB) are Ella Watkins, the appellant; and the Cook County Board of Review (board).

The subject property consists of a 40-year-old, one-story, masonry constructed, 7,600 square foot commercial day care building situated on 31,384 square feet of land located in Lake Township, Cook County.

The appellant submitted evidence before the PTAB claiming that the subject's market value is not accurately reflected in its assessment. This evidence was timely filed by the appellant pursuant to the Official Rules of the Property Tax Appeal Board.

In support of this argument the appellant submitted an appraisal dated January 1, 2003 containing the sales approach to value and concluding with a market value of \$130,000 and another appraisal dated June 23, 2002 resulting in a market value of \$100,000.

In the first appraisal, the appraiser used five sales of day care centers ranging in size from 7,100 to 10,800 square feet that occurred between November 1999 and September 2002 for prices ranging from \$115,000 to \$210,000 or from \$13.89 to \$22.83 per square foot. The appraisal described the subject as containing 6,500 square feet but offered no explanation as to how the appraiser arrived at this building figure. Both the appellant and the appraiser identified the subject as located in Township #26, a Hyde Park Township. The comparables range in age from 34 to 79 years. After standard adjustments to \$19.00 to \$21.00 per square foot the appraiser arrived at a market value of \$20.00 per square foot or a rounded value of \$130,000 via the sales comparison approach.

The second appraisal offered descriptive data for the property and indicated a building of 7,443 square feet. No evidence of

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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: \$14,907
IMPR. \$35,092
TOTAL: \$49,999

Subject only to the State multiplier as applicable.

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the cost, income or sales approaches was submitted to support the appraiser's opinion of value.

The appellant also submitted income and expense data to support an estimate of market value.

Based upon this evidence, the appellant requested a reduction in the subject's total assessment to reflect the reduced market value.

The board of review submitted "Board of Review-Notes on Appeal" that disclosed the subject's total assessment of \$49,999 which reflects a market value of \$131,576 as factored by the Cook County Ordinance level of 38%. The board described the building as containing 7,600 square feet. The board submitted sales evidence of five properties in support of its assessed valuation of the subject property. As evidence the board offered five sales of day care buildings ranging in size from 5,434 to 9,000 square feet and in age from 10 to 52 years that occurred between March 1999 and January 2008 for prices ranging from \$460,000 to \$1,000,000 or from \$63.89 to \$184.03 per square foot of land and building. No analysis and adjustment of the sales data was provided by the board.

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.

When overvaluation is claimed the appellant has the burden of proving the value of the property by a preponderance of the evidence. *Property Tax Appeal Board Rule 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. *Property Tax Appeal Board Rule 1910.65(c)*.

The PTAB finds that the appellant has met this burden and has submitted the best evidence of market value as found in appraisal number one. The appellant's appraisal indicates that the subject property was valued at \$130,000. Since the market value of the subject has been established, the Cook County Class 5a property assessment of 38% will apply. The subject's total assessment should not be in excess of \$49,400, while the subject's current total assessment is at \$49,999 which is approximately the same.

Actual expenses and income can be useful when shown that they are reflective of the market. The appellant did not demonstrate that the subject's lost income was reflective of the market. To demonstrate or estimate the subject's market value using an income approach, as the appellant attempted, one must establish through the use of market data the market rent, vacancy and collection losses, and expenses to arrive at a net operating income. Further, the appellant must establish through the use of market data a capitalization rate to convert the net income into an estimate of market value. The appellant failed to follow this

procedure in developing the income approach to value; therefore, the Property Tax Appeal Board gives this argument no weight.

The PTAB gives no weight to the second appraisal that is not an appraisal but an opinion of value with no supporting data.

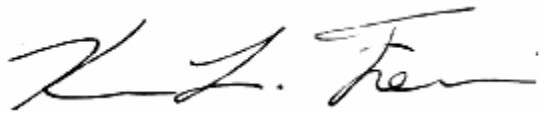
The PTAB gives less weight to the board's sales evidence because it lacks analysis and a supported conclusion of value. Two of the sales were beyond the 2004 assessment date.

As a result of this analysis, the PTAB finds that the appellant has failed to adequately demonstrate that the subject property was overvalued and that 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.



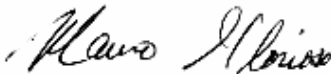
Chairman



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: January 23, 2009



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.