



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

APPELLANT: John J. Rimkus
DOCKET NO.: 08-22522.001-C-1
PARCEL NO.: 28-30-301-004-0000

The parties of record before the Property Tax Appeal Board are John J. Rimkus, the appellant(s), by attorney John P. Fitzgerald, of Fitzgerald Law Group, P.C. 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: \$16,842
IMPR.: \$65,237
TOTAL: \$82,079

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property contains 7,387 square feet of land improved with a 22-year old, one-story, masonry, commercial office building. The appellant argued that the market value of the subject property was not accurately reflected in its assessed value as the bases of this appeal.

In support of the market value argument, the appellant, via counsel, submitted an appraisal undertaken by Robert J. Boyle of Sterling Valuation. The appraisal report states that Boyle is a certified general real estate appraiser and holds the MAI designation. The appraiser stated that the subject had an estimated market value of \$120,000 as of January 1, 2008. As to the history of the subject property, the appraiser stated that the subject was purchased in November, 2006 for a value of \$370,000, but that this sale also included some equipment and that the property was not advertised for sale, but purchased at a Chamber of Commerce meeting under duress. Therefore, the appraiser discounted the purchase price in their appraisal assignment.

The appraisal report utilized only one of the traditional approaches to value, the sales comparison approach, to estimate the market value for the subject property. The appraisal stated that per prior agreement with the client, the appraiser did not use either the cost or income capitalization approaches to value. In addition, the appraisal report states that the subject property was inspected on September 5, 2008 which is nine month after the valuation date.

As to the subject's highest and best use, as vacant, the appraiser opined that commercial use was best, while the subject's highest and best use, as improved, was its existing use.

Under the sales comparison approach, the appraiser analyzed the sales of five suggested comparables, one of which is located in Tinley Park, as is the subject property. The appraisal does not provide information on design, construction material or use. The properties range: in age from 7 to 36 years with two ages adjusted to effective ages without any explanation. They range in improvement size from 3,100 to 11,721 square feet of building area and in land-to-building ratio from 1.23:1 to 12.90:1. These suggested comparables sold from February 2007 to May 2008 for prices that ranged from \$55.00 to \$87.10 per square foot of building area, including land. The appraiser indicated that no adjustments were made for property rights or date of sale. It further indicates that the locations are considered similar, although appropriate adjustments have been considered and applied accordingly for this factor; however, the appraisal does not describe any of the adjustments. Nor does the appraisal describe the adjustments made for age/condition, location, size, land to building ratio, financing terms, property rights conveyed and market conditions even though the appraisal indicates adjustments were made for these factors. Based on the similarities and differences of the comparables when compared to the subject, the appraisers estimated a value for the subject under the sales comparison approach to value of \$65.00 per square foot or \$120,000, rounded. 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 \$82,079 was disclosed. The subject's final assessment yields a fair market value of \$215,997 when the Cook County Ordinance Level of Assessment for commercial properties of 38% is applied.

As to the subject, the board's analysis stated that the subject was purchased in October 2006 for a price of \$370,000. In support of this sale, the board of review submitted a copy of the subject's Trustee's Deed and Illinois Real Estate Transfer Declaration, PTAX-203, affirming the aforementioned sale data. In addition, the PTAX-203 states: in Line #7 that the property was advertised for sale; in Line #11 that the full actual consideration was \$370,000; in Line #12a that the amount of

personal property was \$0.00; and in Line #13 that the net consideration for real property was \$370,000. Further, page #2 of this document reflects the buyer's name and signature as that of the appellant, Dr. John Rimkus.

In support of the subject's market value, the board of review presented descriptive and sales data on five properties suggested as comparable to the subject. These properties are described as one or two-story, masonry, office or office/medical buildings located in Orland Park, Mokena, or Oak Forest. They range in age from 19 to 31 years with one age unknown and in improvement size from 3,400 to 5,000 square feet of building area. The properties sold from March 2003 to February 2010 for unadjusted prices ranging from \$44.40 to \$273.67 per square foot of building area.

The board's cover memorandum also stated that this analysis was not intended to be an appraisal or estimate of value and that the data reflected therein was collected from multiple sources which were not verified, but assumed to be reliable. Based on this evidence, the board of review requested confirmation of the subject's assessment.

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

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 reduction is not warranted.

In determining the fair market value of the subject property, the Board finds unpersuasive the appellant's appraisal for several reasons. The Board finds that the appraiser failed to develop the cost and income approaches to value at the request of the appellant and not because the market lacked data.

Furthermore, the Board finds that the appraisal stated that the subject was purchased in November 2006 which was less than one and one-half years from the assessment date at issue. However, the Board finds that the appraiser's description of the sale is contradictory to the legal documents evidencing the sale. Most

especially the appraiser indicates the subject was not listed on the open market but that both the buyer and seller negotiated this sale at a Chamber of Commerce meeting under duress. In addition, the appraiser indicates personalty was included in the sale. However, the documentation submitted by the board of review contradicts the appraiser's opinion. These documents affirm the subject's sales data. Specifically, the PTAX-203 states: in Line #7 that the property was advertised for; in Line #11 that the full actual consideration was \$370,000; in Line #12a that the amount of personal property was \$0.00; and in Line #13 that the net consideration for real property was \$370,000. Further, page #2 of this document reflects the buyer's name and signature as that of the appellant, Dr. John Rimkus.

As to the appraiser's sales comparison approach to value, the Board finds that the adjustments or lack thereof to the sale properties were not fully described in the appraisal and therefore, the Board cannot confirm the credibility of these adjustments. In addition, the appraisal contradicts itself in what adjustments were made. In one paragraph, the appraisal indicates no adjustments were made for property rights and in the next paragraph list property rights as one of the characteristics adjusted for. Therefore, the Board accorded the final conclusions of value in the appraisal minimal weight.

However, the courts have stated that where there is credible evidence of comparables sales, these sales are to be given significant weight as evidence of market value. In Chrysler Corporation v. Property Tax Appeal Board, 69 Ill.App. 3d 207 (2nd Dist. 1979). The Court further held that significant relevance should not be placed on the cost approach or the income approach especially when there is market data available. Id. Moreover, in Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (5th Dist. 1989), the Court held that of the three primary methods of evaluating property for purposes of real estate taxes, the preferred method is the sales comparison approach. Therefore, the Board will also accord the sales data provided by the parties in this appeal, as well as the subject's purchase, most weight.

The Board finds that both parties submitted sales data on a total of 10 sales of commercial buildings located in suburbs neighboring the subject property. The properties ranged in age from 7 to 36 years with two ages adjusted and one age unknown. They range in improvement size from 3,100 to 11,721 square feet of building area and sold from March 2003 to February 2010 for prices that ranged from \$44.40 to \$273.67 per square foot.

As to the subject's size, the Board finds that the appraisal, although indicates the subject was inspected, also indicates an approximate size for the subject. The appraisal failed to state that the improvement was measured and no sketch of the subject was included to confirm the subject's size. In contrast, the board of review included the property record card for the subject which shows it was inspected and a sketch of the subject's

improvement was included to confirm the subject's size. Therefore, the Board finds the subject contains 2,250 square feet of building area. The size reflects a market value of \$96.00 per square foot of building area which is within the established range of the comparables. Moreover, the Board finds that this value is supported by the subject's 2006 purchase. After making adjustments to these suggested comparables, the Board finds that the subject's market value is supported and that a reduction 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.

Ronald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mario Morris

Member

J. R.

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: November 22, 2013

Allen Castrovillari

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.