



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

APPELLANT: Ralph Ronnbeck
DOCKET NO.: 09-22472.001-C-2
PARCEL NO.: 14-18-215-024-0000

The parties of record before the Property Tax Appeal Board are Ralph Ronnbeck, the appellant, by attorneys Richard Shapiro and Ronald Buzil, with Richard Shapiro Attorney at Law in Evanston; and the Cook County Board of Review by assistant state's attorneys William Blyth and Jeff Engstrom with the Cook County State's Attorneys office in Chicago.

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: \$ 59,616
IMPR.: \$ 313,091
TOTAL: \$ 372,707

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 9,936 square foot parcel of land improved with a three-story, multi-family, low-rise, apartment building containing 20,759 square feet of living area. The building was constructed in 1925 and is located in Lakeview Township. The property is a class 3-15, residential property under the Cook County Real Property Assessment Classification Ordinance.

The appellant argued that the fair market value of the subject was not accurately reflected in its assessed value as the basis of the appeal.

In support of the market value argument, the appellant's attorney submitted a brief containing an actual income and expense analysis, a handwritten copy of the subject's 2009 estimated IRS schedule E form, copies of the subject's IRS Schedule E statements for tax years 2007 and 2008, two authenticity affidavits relating to the IRS forms and an owner-lessee affidavit.

As to the actual income and expense analysis, the appellant's attorney indicated that the analysis was prepared by a staff member at the law firm. The analysis stated that the gross revenue for the subject was \$190,000 while according 30% for operating expenses resulting in a net operating income of \$133,000. Applying a loaded capitalization rate of 13.05% resulted in a market value of \$903,015. The submitted owner-lessee affidavit indicated that the subject's building contained 20 apartments, but none of the units were occupied by the owner. Based upon this evidence, the appellant requested a reduction in the subject's assessment.

At hearing, the appellant's attorney argued that the subject was an owner-occupied property, while asserting that the subject's assessment increased from tax years 2008 to 2009. In addition, he stated that his client provided the attachments and indicated that subject's income was \$190,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$372,707 was disclosed. The subject's final assessment reflects a fair market value of \$2,329,418 or \$112.21 per square foot when the Cook County Classification Ordinance 2009 level of assessment of 16% for Cook County Class 3, residential properties is applied.

In support of the subject's assessment, the board of review presented descriptions and sales data on six properties suggested as comparable. The properties are described as multifamily apartment buildings. They sold from March, 2005, to August, 2006, for prices ranging from \$101.91 to \$218.47 per square foot of building area. The sales ranged in building size from 18,889 to 21,700 square feet of living area and in number of apartments from 18 to 30 units. Based on this evidence, the board of review requested confirmation of the subject's assessment.

At hearing, the state's attorney argued that there was no market data to support the actual income and expense analysis which was submitted by the appellant. In contrast, the state's attorney argued that the board of review's market data provides a better

picture for the subject's market value than that presented by the appellant.

After reviewing the evidence as well as considering the testimony and/or arguments, 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. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002); Winnebago County Board of Review v. Property Tax Appeal Board, 313 Ill.App.3d 179 (2nd Dist. 2000). 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. 86 Ill.Admin.Code 1910.65(c). Having considered the market value evidence presented, the Board finds that the appellant did not meet this burden and that a reduction is not warranted.

In determining the fair market value of the subject property, the Board looks to the evidence and arguments presented by the parties.

The appellant submitted documentation showing the income and expenses of the subject property. The Board gives the appellant's argument little weight. In Springfield Marine Bank v. Property Tax Appeal Board, 44 Ill.2d 428 (1970), the court stated:

[I]t is the value of the "tract or lot of real property" which is assessed, rather than the value of the interest presently held. . . [R]ental income may of course be a relevant factor. However, it cannot be the controlling factor, particularly where it is admittedly misleading as to the fair cash value of the property involved. . . [E]arning capacity is properly regarded as the most significant element in arriving at "fair cash value".

Many factors may prevent a property owner from realizing an income from property that accurately reflects its true earning capacity; but it is the capacity for earning income, rather than the income actually derived, which reflects "fair cash value" for taxation purposes. Id. at 431. The Board gives this

argument little weight and will look to the submitted market data.

Only the board of review submitted raw, unadjusted sales data on six suggested comparables, which the Board considers most probative. These apartment building sales occurred from March, 2005, to August, 2006, for prices ranging from \$101.91 to \$218.47 per square foot of building area. The sales ranged in building size from 18,889 to 21,700 square feet of living area and in number of apartments from 18 to 30 units. In comparison, the appellant's assessment reflects a market value of \$112.21 per square foot of building area which is at the low end of the range established by these sale comparables. After considering adjustments and the differences in the comparables when compared to the subject, the Board finds the subject's per square foot assessment is supported and 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.

Chairman

K. L. Fan

Klaus Albrecht

Member

Member

JR

Jerry White

Member

Acting Member

Robert Steffen

Acting 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 20, 2015

A. Proctor

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.