



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

APPELLANT: Trirata Earmsmuth
DOCKET NO.: 09-34927.001-R-1 through 09-34927.003-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Trirata Earmsmuth, the appellant, by attorney William I. Sandrick, of Sandrick Law Firm LLC in South Holland; 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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
09-34927.001-R-1	30-32-117-048-0000	2,422	26,863	\$29,285
09-34927.002-R-1	30-32-117-061-0000	975	11,512	\$12,487
09-34927.003-R-1	30-32-117-080-0000	750	668	\$ 1,418

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Cook County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2009 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property is improved with a 72-year old, one and part two-story, mixed-use building containing 9,633 square feet of building area. The first floor commercial space is utilized as a retail space and fitness center. The second floor contains one studio apartment and one two-bedroom apartment unit. The property has a 13,455 square foot site and is located in Lansing, Thornton Township, Cook County. The property is a class 2-12 property

under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal estimating the subject property had a market value of \$180,000 as of January 1, 2010. The suggested comparables are described as follows: comparable #1 is a 28,415 square foot auto dealership in South Holland; comparable #2 is a 4,100 square foot retail storefront located in Calumet City; comparable #3 is bank-owned, two-story, free-standing building containing 13,200 square feet, located in Lansing; comparable #4 is a bank-owned retail building with 1,750 square feet, located in Calumet City; comparable #5 is a two-story, free-standing gym containing 25,000 square feet, located in Calumet City; and comparable #6 is a 6,000 square foot medical building in Calumet City that sold in a non-arm's length transaction. The properties sold in 2007 through 2010 for prices ranging from \$13.26 to \$22.86 per square foot, including land. None of the suggested comparables were mixed-use properties containing both commercial and residential usage.

The board of review submitted its "Board of Review-Notes on Appeal" disclosing the total assessment for the subject of \$43,190. The subject's assessment reflects a market value of \$485,281 or \$50.38 per square foot of living area, including land, when applying the 2009 three year median level of assessment of 8.9% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted three equity comparables of mixed-use properties. Comparable #1 sold in April 2008 for \$585,000, or \$66.42 per square foot, including land.

Conclusion of Law

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant did not meet his burden of proof and a reduction in the subject's assessment is not warranted.

The Board does not find the appraisal conclusion submitted by the appellant to be persuasive as the appraiser failed to include any mixed-use properties in the appraisal. No adjustments were noted by the appraiser for conditions of sale for the REO properties. Furthermore, the appraiser indicated that comparable #6 was a non-arm's length transaction, yet did not address this in his adjustments. However, the Board will review the seven unadjusted comparables submitted by the parties. The Board finds that the appraiser's unadjusted sale prices range from \$13.26 to \$22.86

per square foot, including land. The subject's assessment reflects a market value of \$50.38 per square foot of living area, including land, which is above the range of the appraiser's comparables contained in the record. However, the Board finds these comparables vary greatly from the subject in building size, use, and design and are, therefore, given no weight in the Board's analysis. Additionally, comparable #6 was a non-arm's length transaction. The Board finds that the best comparable property is the board of review's comparable #1, which is valued at \$66.42 per square foot, including land. After considering adjustments for the similarities and the differences in the comparables as compared to the subject, the Board finds the subject's per square foot value is supported 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

K. L. Ferr

Member

JR

Member

Mark Morris

Member

Jerry White

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: August 21, 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.