



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

APPELLANT: Francis Labayen  
DOCKET NO.: 10-20658.001-C-1 through 10-20658.004-C-1  
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Francis Labayen, the appellant(s), by attorney Arnold G. Siegel, of Siegel & Callahan, 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:

<b>DOCKET NO</b>	<b>PARCEL NUMBER</b>	<b>LAND</b>	<b>IMPRVMT</b>	<b>TOTAL</b>
10-20658.001-C-1	15-36-416-043-1001	2,812	30,112	\$32,924
10-20658.002-C-1	15-36-416-043-1003	2,976	31,873	\$34,849
10-20658.003-C-1	15-36-416-043-1004	1,732	15,056	\$16,788
10-20658.004-C-1	15-36-416-043-1005	1,825	15,872	\$17,697

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 2010 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 consists of four parcels of land improved with a five-year old, two-story, mixed-use condominium building.

The property contains three commercial condominium units on the first floor and two residential condominium units on the second floor. Only two commercial units and the residential units are under appeal. The property is located in Riverside Township, Cook County and is a class 5 and a class 2 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 all five units of the subject property had a market value of \$470,000 as of January 1, 2009. The appraisal does not describe the characteristics of the one commercial unit not under appeal; nor does the appraisal estimate of value for the unit independent of the other units within the building as they can be sold individually.

The appraisal undertakes the sales comparison approach to value to estimate the subject's market value. The appraisal does not undertake the other approaches to value at the specific request of the client and opines that the report is considered less reliable than an appraisal report in which all three approaches to value were utilized. The appraisal assumes the hypothetical condition that the subject, a condominium building, is a free standing mixed use building and is valued as such.

Under the sales comparison approach, the appraiser analyzed four comparable properties. These properties are described as two or three-story, masonry, 70 to 84-years old, mixed-use buildings. They contain between 3,538 and 7,850 square feet of building area and sold between March 2007 and May 2009 for prices ranging from \$69.57 to \$77.60 per square foot of building area. The appraiser made adjusts for the older age, the differences in land to building ratio, and the larger or smaller sizes of the comparables. In addition, adjustments were made to comparable #2 for its superior location. The appraisal concluded a final estimate of value for the subject based on the sales comparison approach of \$73.00 per square foot of building area or \$470,000, rounded.

The appellant's brief argues that the total value estimated for the whole building should be allocated to each unit based on that unit's percentage of ownership.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the four units under appeal of \$102,258. Each individual unit is allocated a market value based on the assessment. The commercial units'

assessments reflect market values of \$131,696 and \$139,396 using the Cook County Ordinance level of assessment for class 5 property of 25%. The residential assessments reflect market values of \$187,785 and \$197,953 using the Illinois Department of Revenue's three-year median level of assessment for class 2, residential property, of 8.94% for tax year 2010.

In support of its contention of the correct assessment the board of review submitted nine sale comparables addressing the commercial units only. These properties are described as one-story, masonry or frame, commercial buildings. They contain between 1,500 and 2,500 square feet of net rentable area and sold between January 2005 and August 2010 for prices ranging from \$125.00 to \$388.89 per square foot of net rentable area. The board of review asserts the two commercial units under appeal contain a total of 1,876 square feet of building area and include the property record cards to support this. The board did not submit any evidence to address the residential units.

In rebuttal, the appellant submitted a letter waiving the appellant's right to an oral hearing and requesting a decision based on the evidence previously submitted.

### **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 has not met this burden of proof and a reduction in the subject's assessment is not warranted.

The Board thoroughly considered the parties' evidence. The Board gives diminished weight to the appraisal because it estimates a value for the subject as though it was a mixed-use building that can only be sold as a whole while the subject has five individual condominium units that can be sold independently of each other. Based on this hypothetical condition as a mixed-use building, the appraisers used comparable properties that were not similar to the subject. In addition, the appraisal values the building as a whole; however, the appellant is only appealing four of the five units within the condominium

building. For these reasons, the Board finds the methodologies and adjustments in the appraisal not reliable and the conclusions unsupported; the Board gives the adjustments and the conclusion of value within the appraisal no weight.

The courts have stated that where there is credible evidence of comparable sales, these sales are to be given significant weight as evidence of market value. Chrysler Corp. v. Illinois Property Tax Appeal Board, 69 Ill.App.3d 207 (2<sup>nd</sup> Dist. 1979); Willow Hill Grain, Inc. v. Property Tax Appeal Board, 187 Ill.App.3d 9 (5<sup>th</sup> Dist. 1989). Therefore, the Board will consider the raw sales data from both parties.

The Board finds that both parties failed to submit comparables similar to the subject to reliably establish the subject's market value. The parties failed to present any evidence of other commercial and/or residential condominium units as comparables. Therefore, the Board finds the appellant failed to meet the burden of proof required and a reduction is not warranted. Furthermore, while the appellant's attorney asserts the percentage of ownership allocated to each of the subject's units should be used in determine the values for each unit, the attorney failed to provide any evidence of these percentages in the appellant's evidence.

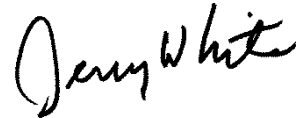
This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.

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Chairman



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Member

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Member



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Member

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Acting Member



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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



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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.