



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

APPELLANT: John & Edna Lewis
DOCKET NO.: 10-29583.001-R-1
PARCEL NO.: 20-10-101-023-0000

The parties of record before the Property Tax Appeal Board are John & Edna Lewis, the appellants, by attorney Richard J. Caldarazzo, of Mar Cal Law, 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 a reduction 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: \$ 4,709
IMPR.: \$ 32,601
TOTAL: \$ 37,310

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants 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 is a 100 year-old, three-story 13-unit residential rental apartment building of masonry construction containing 13,698 square feet of living area. The property has a 8,050 square foot site and is located in Hyde Park Township, Cook County. The property is a class 3-15 property under the Cook County Real Property Assessment Classification Ordinance.

The appellants contend assessment inequity and overvaluation as the bases of the appeal. In support of these arguments, the appellants submitted information on three suggested equity

comparables and a brief. The appellants also submitted an income and expense analysis in support of an income approach for the overvaluation argument. In the brief, the appellants argued that the subject should have a tax load of 2.03% and a base rate of 10% for a 12.03% overall capitalization rate. No further information was provided by the appellants regarding the capitalization rate. Appended to the brief were U.S. tax return Form 8825 (Rental Real Estate Income and Expenses of a Partnership or an S Corporation) for 2008 and 2009; a 2010 rent roll; a summary of expenses for 2010; and copies of filings before the Cook County Board of Review.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$53,381. The subject property has an improvement assessment of \$48,672, or \$3.55 per square foot of living area. The subject's assessment reflects a market value of \$410,623 when applying the 2010 level of assessment of 13.00% for class 3 property as determined by the Cook County Real Property Assessment Classification Ordinance. In support of its contention of the correct assessment, the board of review submitted information on five suggested equity comparables with sales data on each. The assessment data for the five comparables ranged in time from 2005 through 2007.

At hearing, each of the parties rested on the evidence previously submitted.

Conclusion of Law

The taxpayers contend assessment inequity as the basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellants met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of assessment equity to be the appellants' comparable #1, #2 and #3. These comparables had improvement assessments that ranged from \$2.38 to \$2.47 per square foot of living area. The subject's improvement assessment of \$3.55 per square foot of living area falls above the range established by the best comparables in this record. The five comparables submitted by the board of review did not contain 2010 tax lien year assessment data. Based on this record, the Board finds the appellants did demonstrate with clear and convincing evidence that the subject's improvement was inequitably assessed

and holds that a reduction in the subject's assessment is justified.

The appellants also contend 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). Since the Board finds the appellants met their burden of proof on their assessment inequity argument, the Board does not need to address the overvaluation argument.

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



Acting Member



Member



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



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.