



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

APPELLANT: Marquette Bank  
DOCKET NO.: 11-26129.001-R-1  
PARCEL NO.: 29-03-401-001-0000

The parties of record before the Property Tax Appeal Board are Marquette Bank, the appellant(s), by attorney Kevin P. Burke, of Smith Hemmesch Burke & Kaczynski in Chicago; and the Cook County Board of Review.

Based on the facts and exhibits presented in this matter, 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:** \$1,625  
**IMPR.:** \$4,141  
**TOTAL:** \$5,766

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 2011 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 a 5,000 square foot parcel of land and improved with a 129-year old, two-story, frame, multi-family building. The property is located in Thornton Township, Cook County and is a class 2-11 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 \$6,000 as of August 18, 2011. The appraisal lists the subject as containing 1,922 square feet of building area and includes a building sketch with outside dimensions to support this. The appellant requested an assessment of 10% of the appraisal value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$8,800. The subject's assessment reflects a market value of \$88,000 when applying the level of assessment for class 2 property under the Cook County Real Property Assessment Classification Ordinance of 10%.

In support of its contention of the correct assessment the board of review submitted information on four sales comparables and four equity comparables. The board of review lists the subject as containing 1,848 square feet of building area with no further information.

In rebuttal, the appellant submitted a letter asserting that the board of review's comparables are not similar to the subject in location and characteristics.

At hearing, the appellant's attorney rested on the evidence previously submitted. He argued that the board of review's comparables were located in Calumet City which is a distinguishable neighborhood from Dolton where the subject resides.

The board of review's representative, Lester McCarroll, argued that the adjustments made to the comparables within the appraisal are significant adjustments ranging from 8.6% to 184.3% in net adjustments. He argued that because of the high amount of adjustments and the lack of the appraiser to testify to these adjustments, the appraisal should be given no weight.

### **Conclusion of Law**

As to the subject's size, the Board finds the appellant submitted sufficient evidence to support the subject's size at 1,922 square feet of building area. Therefore, the Board finds the subject contains 1,922 square feet of building area which reflects a market value, based on the assessed value, of \$45.79 per square foot of building area.

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 thoroughly considered the parties' evidence. The Board gives diminished weight to the appraisal because of the significant adjustments made to the comparables and the lack of testimony by the appraiser data to explain these adjustments. For these reasons, 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 parties submitted nine sale comparables and two listings. The Board finds the appellant's sales comparables similar to the subject and most probative in determining the subject's market

value as of the lien date. These sales occurred from October 2010 to May 2011 for prices ranging from \$2.66 to \$40.00 per square foot of building area. In comparison, the subject's assessed value reflects a market value of \$45.79 per square foot of building area which is above the range of these comparables. Based on the record and after adjustments to the comparables, the Board finds the appellant did demonstrate by a preponderance of the evidence that the subject was overvalued and a reduction is justified.

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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Member

DISSENTING: \_\_\_\_\_

**CERTIFICATION**

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: June 24, 2016



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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.