



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

APPELLANT: Antonio Leto
DOCKET NO.: 11-28495.001-C-1
PARCEL NO.: 12-24-228-029-0000

The parties of record before the Property Tax Appeal Board are Antonio Leto, the appellant; 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: \$ 12,304
IMPR.: \$ 25,476
TOTAL: \$ 37,780

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 is 85 years old, and consists of a one-story store front building of stucco construction containing 1,660 square feet. The subject property has a 3,125 square foot site, is located in Jefferson Township, Cook County and is classified as a Class 5-17 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends assessment inequity and overvaluation as the bases of the appeal. In support of these arguments, the appellant submitted information on three suggested sales comparables that sold from 2010 to 2013. They ranged in building

area from 3,200 to 14,000 square feet, and in price from \$146,475 to \$505,400 or from \$36.10 to \$48.36 per square foot of living area.

The appellant also submitted equity assessment information on these three comparables on the Assessment Grid Analysis. These contained improvement assessment that ranged from \$2.98 to \$15.44 per square foot of living area.

Finally, the appellant submitted various documents in support of what the appellant characterized as an "income" analysis. These documents were: 1) income and expense detail report; 2) store lease and rider; 3) Schedule E (Supplemental Income and Loss) tax returns for the years 2008 through 2010.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$38,880. The subject's assessment reflects a market value of \$155,520 or \$93.69 per square foot of living area, when using the board of review's indicated size of 1,660 square feet and the Cook County Ordinance level of assessment of 25% for Class 5 property. In support of its contention of the correct assessment, the board of review submitted information on six suggested comparable sales. These sales occurred from 2007 to 2010 and ranged in size from 850 to 2,500 square feet of building area. The sales prices ranged from \$210,000 to \$530,000, or from \$120.00 to \$247.06 per square foot.

Conclusion of Law

First, 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 this burden of proof and a reduction in the subject's assessment is not warranted.

The Board finds the best evidence of market value to be appellant's comparable sales #1 through #3, and board of review comparable sales #1 through #6. These comparables sold for prices ranging from \$36.10 to \$247.06 per square foot of living area. The subject's assessment reflects a market value of \$93.69 per square foot of living area, including land, which is within the range established by the best comparable sales in this record. Based on this evidence the Board finds a reduction in the subject's assessment based on the appellant's overvaluation argument is not justified.

Next, the appellant submitted documentation showing the income 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.

Actual expenses and income can be useful when shown that they are reflective of the market. Although the appellant made this argument, the appellant did not demonstrate through an expert in real estate valuation that the subject's actual income and expenses are reflective of the market. To demonstrate or estimate the subject's market value using income, one must establish, through the use of market data, the market rent, vacancy and collection losses, and expenses to arrive at a net operating income reflective of the market and the property's capacity for earning income. The appellant did not provide such evidence and, therefore, the Board gives this argument no weight and holds that a reduction based on market value is not warranted.

Finally, the taxpayer contends assessment inequity as a 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 appellant 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 appellant's comparables #1 through #3. These comparables had improvement assessments that ranged from \$2.98 to \$15.44 per square foot of living area. The subject's improvement assessment of \$16.11 per square foot of living area falls above the range established by the best comparables in this record. Based on this record and after adjusting for pertinent evidence submitted by the appellant, the Board finds the appellant 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 based on the appellant's inequity argument 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.

Donald R. Cuit

Chairman

K. L. Fern

Member

Tracy A. Huff

Member

Marko M. Louis

Member

J. R.

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: February 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.