



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

APPELLANT: Oakwood King Condominium Assoc  
DOCKET NO.: 12-20168.001-R-3 through 12-20168.067-R-3  
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Oakwood King Condominium Assoc, the appellant(s), by attorney Joanne Elliott, of Elliott & Associates, P.C. in Des Plaines; and the Cook County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **No Change In Part and a Reduction In Part** 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
12-20168.001-R-3	20-03-203-033-1001	944	13,601	\$14,545
12-20168.002-R-3	20-03-203-033-1002	967	13,925	\$14,892
12-20168.003-R-3	20-03-203-033-1003	1,035	14,900	\$15,935
12-20168.004-R-3	20-03-203-033-1004	876	12,621	\$13,497
12-20168.005-R-3	20-03-203-033-1005	899	12,946	\$13,845
12-20168.006-R-3	20-03-203-033-1006	967	13,921	\$14,888
12-20168.007-R-3	20-03-203-033-1007	628	9,042	\$9,670
12-20168.008-R-3	20-03-203-033-1008	650	9,367	\$10,017
12-20168.009-R-3	20-03-203-033-1009	718	10,342	\$11,060
12-20168.010-R-3	20-03-203-033-1010	650	9,367	\$10,017
12-20168.011-R-3	20-03-203-033-1011	673	9,692	\$10,365
12-20168.012-R-3	20-03-203-033-1012	741	2,759	\$3,500
12-20168.013-R-3	20-03-203-033-1013	718	10,342	\$11,060
12-20168.014-R-3	20-03-203-033-1014	741	10,667	\$11,408
12-20168.015-R-3	20-03-203-033-1015	808	11,642	\$12,450
12-20168.016-R-3	20-03-203-033-1016	583	8,392	\$8,975
12-20168.017-R-3	20-03-203-033-1017	605	8,717	\$9,322
12-20168.018-R-3	20-03-203-033-1018	673	9,692	\$10,365
12-20168.019-R-3	20-03-203-033-1019	583	8,392	\$8,975
12-20168.020-R-3	20-03-203-033-1020	605	8,717	\$9,322
12-20168.021-R-3	20-03-203-033-1021	673	9,692	\$10,365
12-20168.022-R-3	20-03-203-033-1022	537	2,083	\$2,620
12-20168.023-R-3	20-03-203-033-1023	560	8,067	\$8,627
12-20168.024-R-3	20-03-203-033-1024	628	9,042	\$9,670

12-20168.025-R-3	20-03-203-033-1025	808	3,892	\$4,700
12-20168.026-R-3	20-03-203-033-1026	831	11,971	\$12,802
12-20168.027-R-3	20-03-203-033-1027	899	12,946	\$13,845
12-20168.028-R-3	20-03-203-033-1028	786	11,317	\$12,103
12-20168.029-R-3	20-03-203-033-1029	808	11,642	\$12,450
12-20168.030-R-3	20-03-203-033-1030	876	12,621	\$13,497
12-20168.031-R-3	20-03-203-033-1031	650	9,367	\$10,017
12-20168.032-R-3	20-03-203-033-1032	673	9,692	\$10,365
12-20168.033-R-3	20-03-203-033-1033	741	10,667	\$11,408
12-20168.034-R-3	20-03-203-033-1034	899	12,946	\$13,845
12-20168.035-R-3	20-03-203-033-1035	922	13,271	\$14,193
12-20168.036-R-3	20-03-203-033-1036	989	14,246	\$15,235
12-20168.037-R-3	20-03-203-033-1037	650	9,367	\$10,017
12-20168.038-R-3	20-03-203-033-1038	673	2,227	\$2,900
12-20168.039-R-3	20-03-203-033-1039	741	10,667	\$11,408
12-20168.040-R-3	20-03-203-033-1040	45	649	\$694
12-20168.041-R-3	20-03-203-033-1041	45	649	\$694
12-20168.042-R-3	20-03-203-033-1042	45	649	\$694
12-20168.043-R-3	20-03-203-033-1043	45	649	\$694
12-20168.044-R-3	20-03-203-033-1044	45	649	\$694
12-20168.045-R-3	20-03-203-033-1045	45	649	\$694
12-20168.046-R-3	20-03-203-033-1046	45	649	\$694
12-20168.047-R-3	20-03-203-033-1047	45	649	\$694
12-20168.048-R-3	20-03-203-033-1048	45	649	\$694
12-20168.049-R-3	20-03-203-033-1049	45	649	\$694
12-20168.050-R-3	20-03-203-033-1050	45	649	\$694
12-20168.051-R-3	20-03-203-033-1051	45	649	\$694
12-20168.052-R-3	20-03-203-033-1052	45	649	\$694
12-20168.053-R-3	20-03-203-033-1053	45	649	\$694
12-20168.054-R-3	20-03-203-033-1054	45	649	\$694
12-20168.055-R-3	20-03-203-033-1055	45	649	\$694
12-20168.056-R-3	20-03-203-033-1056	45	649	\$694
12-20168.057-R-3	20-03-203-033-1057	45	649	\$694
12-20168.058-R-3	20-03-203-033-1058	45	649	\$694
12-20168.059-R-3	20-03-203-033-1059	45	649	\$694
12-20168.060-R-3	20-03-203-033-1060	22	324	\$346
12-20168.061-R-3	20-03-203-033-1061	22	324	\$346
12-20168.062-R-3	20-03-203-033-1062	22	324	\$346
12-20168.063-R-3	20-03-203-033-1063	22	324	\$346
12-20168.064-R-3	20-03-203-033-1064	22	324	\$346
12-20168.065-R-3	20-03-203-033-1065	22	324	\$346
12-20168.066-R-3	20-03-203-033-1066	22	324	\$346
12-20168.067-R-3	20-03-203-033-1067	22	324	\$346

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 2012 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's appeal consists of 39 condominium units and 28 parking spaces. The property is located in Chicago, Hyde Park Township, Cook County. The subject is classified as a class 2-99 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant's attorney raises multiple issues. First, the appellant's attorney contends overvaluation as the basis of the appeal. In support of this argument, the appellant's attorney submitted an appraisal of the bulk sale properties. The appraisal allocated a market value to each unit that sold in the bulk sale. The appraisal included six separate appraisals for six of the bulk sale units. The appraisal further states that the properties had a total market value of \$1,010,000 per the income approach and estimates that the retail value of the subject's 19 residential units, 13 parking spaces, and two commercial units is \$975,000, and includes a final market value of \$1,000,000. The appraisal did not include an effective date or information regarding adjustments and calculations made to each bulk sale unit's market value.

In further support of the overvaluation argument, the appellant's attorney submitted a rent roll dated May 2013, an income and expense statement affidavit, and an income/expense analysis concluding a market value of \$1,084,762 for the subject property.

The appellant's attorney also submitted evidence that the subject's unit ending in PIN#1022 was purchased on March 7, 2013 for \$26,200; the subject's unit ending in PIN# 1038 was purchased on April 12, 2012 for \$29,000; the subject unit's ending in PIN #1012 was purchased on February 9, 2012 for \$35,000; and the subject unit's ending in PIN #1025 was purchased on March 29, 2012 for \$47,000. In support of each sale, the appellant's attorney submitted a copy of the MLS sheet.

Lastly, the appellant requests that the subject be reclassified as a 3-99 property. The appellant's pleadings state that the Luna Lena Group purchased 17 residential units, 13 parking spaces, and two commercial units in a bulk sale on May 24, 2012 for \$575,000. Then in April 2012 and March 2013, the Luna Lena Group purchased additional two residential units and a parking space. Per the appellant's attorney's brief, 18 properties were rented as income producing properties from 2012 to 2013. In support, the appellant's attorney submitted an unsigned escrow disbursement statement, an affidavit of title, four special warranty deeds, and an affidavit that was signed by the owner's agent of 32 units attesting that the units are rented and were purchased as income producing properties.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$469,605. The subject's assessment reflects a market value of

\$4,696,050 when using the 10 % level of assessment for Cook County as determined by the Cook County Classification Code.

In support of the assessment, the board of review submitted an analysis prepared by Dan Michaelides, an analyst with the Cook County Board of Review. He indicated the total consideration for the sale of two residential units in the subject's condominium in 2008 was \$146,500. The analyst deducted \$2,930 or 2% of the total sales prices from the total consideration to account for personal property to arrive at a total adjusted consideration of \$143,570. Dividing the total adjusted consideration by the percentage of interest of ownership in the condominium for the units that sold of 2.355% indicated a full value for the condominium property of \$6,096,390. Based on this evidence, the board of review requested confirmation of the subject's assessment.

### **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 meet this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value for four of the subject's units to be their recent sales. The appellant provided evidence demonstrating that each sale had the elements of an arm's length transaction and in support of the transactions, copies of the MLS sheet was submitted. Specifically, the four recent sales include the subject's units ending in PIN #1022 which sold for \$26,200 in March 2013, PIN# 1038 which sold for \$29,000 in April 2012, PIN #1012 which sold in February 2012 for \$35,000, and PIN #1025 which sold in March 2012 for \$47,000. Lastly, the board of review failed to provide any substantial evidence to challenge the arm's length nature of the transaction.

Based on this record, the Board finds the subject's units ending in PIN #1022 had a market value of \$26,500, PIN # 1038 had a market value of \$29,000, PIN #1012 had a market value of \$35,000, and PIN #1025 had a market value of \$47,000 as of January 1, 2012. Since market value has been determined, the level of assessments for class 2-99, residential property of 10% shall apply as determined by the Cook County Real Property Classification Ordinance.

The appellant also submitted documentation showing the income of the subject property. The Board gives the appellant's argument little weight. In Springfield Marine Bank v. Prop. Tax Appeal Bd., 44 Ill.2d 428 (1970), the Illinois Supreme Court stated:

[I]t is clearly 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.

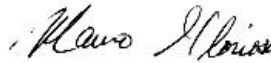
Id. at 431.

As the Court stated, 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. Thus, the Board finds that a reduction is not warranted based on the appellant's income and expense analysis.

As to the subject's market value, the Board gives little weight to the appellant's appraisal's market value conclusions. The appellant's attorney failed to provide a nexus between the appraisal's allocated values of the bulk sale units and the 67 subject units. Furthermore, the appraisal's market values are not supported by the appraisal's evidence. The appraisal does not include any calculations or explanations as to how each bulk sale unit's market value was computed. Lastly, the parties waived their right to an oral hearing and requested that a decision be rendered solely on the evidence contained in the record. As there was no hearing, there was no testimony to bolster the position asserted by the evidence. The Board finds that because of this analysis and the lack of market data, the estimate of the value for the subject property is unreliable. Therefore, the Board finds this argument unpersuasive.

Regarding the appellant's class change, the Board finds that the appellant's attorney did not submit evidence showing that the subject should be classified as 3-99 property. Class 3-99 properties per the Real Property Classification Ordinance are defined as rental condominium buildings containing seven units or more. Per the appellant's brief, the building is not entirely rental but also includes owner-occupied units. No evidence was submitted to contradict the brief. Therefore, the building does not qualify to be classified as a Class 3-99 property.

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



Member



Acting 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: \_\_\_\_\_

February 24, 2017



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.