



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

APPELLANT: Juan Ruvalcaba
DOCKET NO.: 14-31457.001-R-1 through 14-31457.004-R-1
PARCEL NO.: See Below

The parties of record before the Property Tax Appeal Board are Juan Ruvalcaba, the appellant(s), by attorney Ellen G. Berkshire, of Verros, Lafakis & Berkshire, P.C. 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 **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:

DOCKET NO	PARCEL NUMBER	LAND	IMPRVMT	TOTAL
14-31457.001-R-1	17-29-326-002-0000	4,074	4,477	\$ 8,551
14-31457.002-R-1	17-29-326-003-0000	5,000	5,969	\$ 10,969
14-31457.003-R-1	17-29-326-004-0000	5,000	5,969	\$ 10,969
14-31457.004-R-1	17-29-326-061-0000	10,000	13,432	\$ 23,432

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 2014 tax year. The Property Tax Appeal Board (the "Board") finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject consists of a three-story mixed-use building of masonry construction. The building is 124 years old. Features of the building include a partial unfinished basement. The property has a 12,037 square foot site, and is located in Chicago, South Chicago Township, Cook County. The subject is classified as a class 2-12 property under the Cook County Real Property Assessment Classification Ordinance. No evidence was submitted as to whether the subject was owner occupied.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted information on four comparable sales. These comparables sold from

September 2011 to July 2014 for prices ranging from \$87,120 to \$320,000, or \$6.93 to \$24.05 per square foot of building area. The appellant also submitted the subject's Schedule E for the tax year 2013. The appellant's evidence states that the subject's improvement size is 13,642 square feet of building area. No evidence was submitted in support of the subject's improvement size.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$53,921. The subject's assessment reflects a market value of \$539,210 when applying the 2014 statutory level of assessment for class 2 property of 10.00% under the Cook County Real Property Assessment Classification Ordinance.

In support of its contention of the correct assessment, the board of review submitted information of three equity comparables and three sale comparables. These comparables sold from May 2012 to August 2013 for prices ranging from \$400,000 to \$900,000, or \$55.56 to \$100.81 per square foot of building area. The board of review's evidence states that the subject's improvement size is 14,902 square feet of building area. No evidence was submitted in support of the subject's improvement size.

Conclusion of Law

Initially, the Board finds that the subject's improvement size is 14,902 square feet of building area. "Standard of proof. Unless otherwise provided by law or stated in the agency's rules, the standard of proof in any contested case hearing conducted under this Act by an agency shall be the preponderance of the evidence." 5 ILCS 100/10 15. The appellant submitted no evidence in support of the assertion that the subject's improvement size was 13,642 square feet of building area. Therefore, the Board finds that the appellant has failed to prove, by a preponderance of the evidence, that the subject's improvement size is 13,642 square feet of building area. The Board further finds that the subject's improvement size is 14,902 square feet of building area, which results in a market value of \$36.18 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 finds the appellant did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The appellant submitted documentation showing the income and expenses 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 income and expenses 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 and expenses 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.

The Board finds the best evidence of market value to be appellant's comparables #1 and #2, and board of review comparables #1 and #3. These comparables sold for prices ranging from \$10.71 to \$100.81 per square foot of building area, including land. The subject's assessment reflects a market value of \$36.18 per square foot of building area, including land, which is within the range established by the best comparables in this record. Based on this record, the Board finds a reduction in the subject's assessment is not justified.

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.