



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

APPELLANT: Wilbur Pettitt  
DOCKET NO.: 15-25747.001-R-1  
PARCEL NO.: 20-30-317-036-0000

The parties of record before the Property Tax Appeal Board are Wilbur Pettitt, the appellant(s), by attorney Jessica Hill-Magiera, Attorney at Law in Lake Zurich; 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:

**LAND:** \$ 6,445  
**IMPR.:** \$ 37,650  
**TOTAL:** \$ 44,095

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 16-185 of the Property Tax Code (35 ILCS 200/16-185) challenging the assessment for the 2015 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 one-story building of masonry construction with 2,075 square feet of building area. The building is 28 years old. The property has a 3,125 square foot site, and is located in Chicago, Lake Township, Cook County. The subject is classified as a class 5-17 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 cursory sale and adjustment information on five sale comparables. The only information submitted for these sale comparables was the location, classification, sale price, and sale date. The adjustments were included in a chart entitled "Property Equalization Values." These comparables sold between January 2014 and June 2015 for \$30,000 to \$78,000. The appellant also submitted an affidavit stating that the subject was vacant for the entirety of tax

years 2014 and 2015. The appellant also submitted two printouts from the MLS. The first printout shows that the subject was listed for sale from August 27, 2015 until January 1, 2016, or 147 days, with a list price of \$56,940. This listing states that the subject will be sold through an online auction which was to take place from February 8, 2016 through February 10, 2016, and that the list price is the “suggested opening bid” and is “not [the] asking price.” This listing further states that the “reserve price is higher” than the list price of \$56,940. No evidence was submitted as to whether the online auction ever took place. The second printout from the MLS states that the subject was placed back on the market on January 24, 2016 for \$75,000. Based on this evidence, the appellant requested a reduction in the subject’s assessment to \$9,498.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$44,095. The subject's assessment reflects a market value of \$176,380, or \$85.00 per square foot of building area, including land, when applying the 2015 statutory level of assessment for commercial property under the Cook County Real Property Assessment Classification Ordinance of 25.00%.

In support of its contention of the correct assessment, the board of review submitted information on five comparable sales from the CoStar Comps Service. These comparables sold between February 2011 and November 2015 for \$90,000 to \$200,900, or \$60.65 to \$128.56 per square foot of building area, including land.

In written rebuttal, the appellant argued that board of review’s comparables were not similar to the subject for various reasons.

Prior to hearing, the board of review analyst argued that the adjustments found in the appellant’s “Property Equalization Values” chart were hearsay, as the preparer of the adjustments in the chart was not present to testify. Counsel for the appellant did not challenge the board of review’s hearsay objection, and had no qualms with the Board disregarding the adjustments in the chart. Therefore, the Board sustained the board of review’s hearsay objection, and stated that the adjustments in the appellant’s “Property Equalization Values” chart would be given no weight in the Board’s analysis.<sup>1</sup>

At hearing, counsel for the appellant reaffirmed the evidence previously submitted. The board of review analyst requested that the Board take judicial notice of the Board’s decision in docket number 14-23355.001-C-1, wherein the Board maintained the subject’s assessment for tax year 2014. The Board took judicial notice of this document, without objection from the appellant, and it was identified for the record as “Board of Review Exhibit #1.” The board of review analyst also reaffirmed the evidence previously submitted.

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<sup>1</sup> The Board notes that the board of review analyst’s hearsay objection was made during the hearing for another appeal before the Board, namely docket number 15-28185. The hearing for this appeal occurred earlier in the day, and within two hours of the hearing for the instant appeal. During those proceedings, the Board asked counsel for the appellant if she intended to respond the same way during any subsequent hearings in which a “Property Equalization Grid” was included in the appellant’s initial evidentiary submission, and the board of review analyst made a similar hearsay objection. Counsel for the appellant responded in the affirmative. Therefore, in sustaining the objection, the Board found it to be in the interests of judicial economy to disregard the appellant’s “Property Equalization Chart” without the need for separate objections during each hearing, and the parties agreed to this procedure.

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

The appellant submitted documentation showing the vacancy of the subject property. The Board gives the appellant's argument no 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.

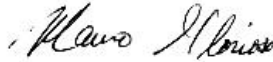
As the Court stated, actual vacancy, income, and expenses can be useful when shown that they are reflective of the market. Although the appellant made this argument, the appellant did not demonstrate, through an expert in real estate valuation, that the subject's actual vacancy, income, and expenses are reflective of the market. To demonstrate or estimate the subject's market value using vacancy, 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 vacancy analysis.

The Board also accorded no weight to the two printouts from the MLS submitted by the appellant. Neither of these documents showed that the subject was actually purchased for a particular price. Sale listings are not market transactions, as they are simply one party's offer to sell a property at a particular price. Marketing a property for sale does not require any negotiated agreement with another party, which is the foundation of a market based transaction. As such, the Board according the printouts from the MLS no weight in its analysis.

The Board finds the best evidence of market value to be board of review comparables #3, #4, and #5. These comparables sold for prices ranging from \$60.65 to \$111.61 per square foot of building area, including land. The subject's assessment reflects a market value of \$85.00 per square foot of building area, including land, which is within the range established by the best

comparables in this record. The appellant's sale comparables were given no weight in the Board's analysis as no information was submitted regarding the characteristics of these properties, including their age, improvement size, etc. The Board's decision in docket number 14-23355.001-R-1 was given diminished weight in the Board's analysis, as the parties submitted different evidence in the instant appeal, as well as the fact that the subject's township was reassessed in tax year 2015. Based on this record, the Board finds a reduction in the subject's assessment is not 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. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.



Chairman



Member



Member



Member



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: July 17, 2018



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 or years of the same general assessment period, as provided in Sections 9-125 through 9-225, 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 such subsequent year or years 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 OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

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.

PARTIES OF RECORD

AGENCY

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