



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

APPELLANT: Leo Tuffy
DOCKET NO.: 15-30944.001-R-1
PARCEL NO.: 16-09-104-027-0000

The parties of record before the Property Tax Appeal Board are Leo Tuffy, the appellant, by attorney Timothy E. Moran of Schmidt Salzman & Moran, Ltd. 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: \$2,512
IMPR.: \$8,988
TOTAL: \$11,500

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 2015 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 improved with a two-story multi-family building of masonry construction with 2,590 square feet of living area. The building is approximate 117 years old. Features of the property include a full basement that is finished and two above grade apartments. The property has a 3,350-square foot site and is located in Chicago, West Chicago Township, Cook County. The subject is classified as a class 2-11 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation and assessment inequity as the bases of the appeal. In support of the overvaluation argument the appellant submitted an appraisal estimating the subject property had a market value of \$115,000 as of July 30, 2014. The appraisal was prepared by Charles Graf, a certified residential real estate appraiser. The client was identified as North Central Community Bank. The purpose of the appraisal report was to provide the lender/client

with an accurate, and adequately supported, opinion of market value of the subject property. The property rights appraised was the fee simple interest. The assignment type was a refinance transaction. The appraiser described the property as being in average to good overall condition. The appraiser stated that physical depreciation was present due to normal wear and tear; there was no functional obsolescence; and there was external obsolescence due to the REO/Foreclosure properties in the market.

The appraiser developed the cost approach arriving at an estimated market value of \$136,875.

The appellant's appraiser used four comparable sales in developing the sales comparison approach to value improved with two-unit multi-family buildings of brick or brick and stone construction that range in size from 2,060 to 2,820 square feet of building area. The buildings range in age from 103 to 124 years old. Each comparable has a full basement with two being finished, and two comparables have either a one-car or a two-car garage. The sales occurred from October 2013 to April 2014 for prices ranging from \$115,000 to \$155,000. Adjustments were made to the comparable sales for differences from the subject property to arrive at adjusted prices ranging from \$110,500 to \$133,575. Using these sales the appraiser arrived at unit values of \$57,000 per apartment or \$115,000; \$50.00 per square foot of gross building area or \$119,600; \$10,000 per room or \$130,000; and \$23,000 per bedroom or \$115,000. The appraiser estimated the subject property had a market value under the sales comparison approach of \$115,000.

Using rental comparables and the subject's actual rent, the appraiser estimated the subject property would have a market rent per month of \$1,725. Three of the comparables sales had gross rent multipliers ranging from 46.00 to 61.46. The appraiser estimated the subject property would have a gross rent multiplier of 61 and when multiplied by the gross monthly rent resulted in a market value estimate of \$105, 225.

In reconciling the three approaches to value the appraiser gave most weight to the sales comparison approach and estimated the subject property had a market value of \$115,000 as of July 30, 2014.

The appellant also provided information on five equity comparables improved with two-story class 2-11 buildings of frame construction each with 2,142 square feet of living area. The buildings were either 107 or 112 years old. Each comparable is described as having a slab foundation. These properties have improvement assessments ranging from \$10,059 to \$10,419 or from \$4.70 to \$4.86 per square foot of building area.

Based on this evidence the appellant requested the subject's assessment be reduced to \$11,500 to reflect the appraised value.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$15,956. The subject's assessment reflects a market value of \$159,560 or \$61.61 per square foot of living area, including land, when applying the Cook County Real Property Assessment Classification Ordinance level of assessment for class 2 property of 10%. The subject property has an improvement assessment of \$13,444 or \$5.19 per square foot of living area.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales improved with two-story multi-family buildings of frame or masonry construction that range in size from 2,212 to 2,820 square feet of living area. The buildings range in age from 92 to 127 years old. Three of the comparables have a full unfinished basement and one comparable has a one-car garage. These properties sold for prices ranging from \$178,500 to \$200,000 or from \$63.30 to \$90.42 per square foot of living area, including land. These properties also have improvement assessments ranging from \$12,786 to \$16,488 or from \$4.83 to \$7.33 per square foot of living area.

With respect to assessment equity, the board of review submitted four additional comparables improved with two-story multi-family buildings of masonry construction that range in size from 2,494 to 2,678 square feet of living area. The buildings range in age from 107 to 122 years old. Each comparable has a full basement with one having a formal recreation room and three comparables have either a one-car or a two-car garage. These properties have improvement assessments ranging from \$14,141 to \$19,063 or from \$5.67 to \$7.64 per square foot of living area.

Conclusion of Law

The appellant contends in part 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 met this burden of proof and a reduction in the subject's assessment is warranted.

The Board finds the best evidence of market value to be the appraisal submitted by the appellant. The appraisal contained the cost approach to value, the sales comparison approach to value using four comparable sales and an estimate of value using the gross income multiplier. The appellant's appraiser adjusted the comparable sales for differences from the subject property and three of the sales occurred in 2014, within one year of the assessment date at issue. The approaches to value developed by the appellant's appraiser were credible and served as a check to validate the appraiser's opinion of value. The Board gave less weight to the board of review sales as they occurred in 2013, not as proximate in time to the assessment date as three of the sales provided in the appellant's appraisal. Furthermore, the board of review did not adjust its sales for differences from the subject property nor refute the cost approach developed by the appellant's appraiser or the gross income multiplier methodology used by the appraiser. Based on this evidence the Board finds the subject property had a market value of \$115,000 as of the assessment date and a reduction to the subject's assessment commensurate with the appellant's request is appropriate.

The appellant also asserted assessment inequity as an alternative basis of the appeal. The Board finds that based on the reduction granted based on the market value finding herein a further reduction based on assessment inequity 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: May 15, 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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