



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

APPELLANT: DSO Properties, LLC
DOCKET NO.: 15-37149.001-R-1
PARCEL NO.: 17-20-311-014-0000

The parties of record before the Property Tax Appeal Board are DSO Properties, LLC, the appellant, by attorney Richard J. Caldarazzo, of Amari & Locallo 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:

LAND: \$5,125
IMPR.: \$30,178
TOTAL: \$35,303

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 three-story, mixed-use building of masonry construction. The building is approximately 137 years old and has 7,772 square feet of building area. Features include a full unfinished basement; one commercial unit and four apartment units. The property has a 2,500 square foot site and is located at 1854 S. Blue Island Avenue in Chicago, West Chicago Township, Cook County. The subject is classified as a class 2-12 property under the Cook County Real Property Assessment Classification Ordinance.

When the appellant completed section 2d of the residential appeal form, the appellant checked the box for assessment equity as the basis of the appeal. However, the appellant did not submit any equity evidence in support of this argument. Instead, the appellant submitted contradictory information regarding the recent sale of the subject property. In Section IV – Recent Sale Data of the appeal form, the appellant’s attorney stated the subject property sold on July 25, 2013 for a

price of \$267,500. The appellant's attorney listed the appellant as the seller of the subject property; however, the copy of the attached settlement statement indicated the seller was Exchange National Bank of Chicago, Trustee. In Section IV, the appellant stated the parties to the transaction were not related; the property was sold using a realtor; the property had been advertised for sale with a multiple listing service; the property was on the market for one day prior to its sale; and the property sold in settlement of a contract for deed. To document the transaction, the appellant submitted copies of the settlement statement and the trustee's deed. The settlement statement disclosed a commission was paid to a realty firm. The appellant also submitted information on a vacancy argument. In a brief dated April 20, 2016, the appellant's attorney stated the subject property's commercial unit and three of the four apartment units have been under construction since its July 2013 sale. Since only one of the building's five units was being rented, the appellant's attorney asserted that an occupancy factor of 20% should be applied to the subject property's assessment. Based on the vacancy argument, the appellant requested that the subject's total assessment be reduced to \$10,536.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's final assessment of \$35,303 was disclosed. The subject property has an improvement assessment of \$30,178 or \$3.88 per square foot of building area. The board of review presented descriptions and assessment information on four suggested comparable properties with the same assigned neighborhood and classification codes as the subject. Two of the comparables were located on the same block as the subject, and the other two comparables were located one-quarter mile from the subject property. The comparables are improved with three-story, mixed-use buildings of masonry construction. The buildings are from 119 to 143 years old. The comparables have unfinished basements, either full or partial; one comparable has central air conditioning; and two comparables have garages, either one and one-half car or two-car. The number of commercial and apartment units per building was not disclosed. The board of review's grid analysis indicates the buildings range in size from 7,500 to 8,072 square feet of building area and their improvement assessments range from \$29,667 to \$31,932 or from \$3.88 to \$3.96 per square foot of building area. As part of its submission, the board of review made reference to the July 2013 sale of the subject property at a price of \$267,500. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

When the appellant's attorney completed Section 2d of the residential appeal form, counsel indicated that assessment inequity was the 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 did not meet this burden of proof and a reduction in the subject's assessment based on inequity is not warranted.

Although the appellant indicated the appeal was being based on assessment inequity, the appellant submitted no evidence in support of this argument. The Board finds the board of review submitted information on four equity comparables. These properties were improved with

three-story, mixed use buildings of masonry construction that were similar to the subject in most characteristics. The board of review comparables have improvement assessments of \$3.88 and \$3.96 per square foot of living area. The subject has an improvement assessment of \$3.88 per square foot of living area, thus demonstrating that the subject is not inequitably assessed. Based on this record, the Board finds the appellant did not demonstrate with clear and convincing evidence that the subject's improvements were inequitably assessed and a reduction in the subject's assessment based on inequity is not justified.

The appellant also submitted evidence indicating that 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 based on overvaluation is not warranted.

In a brief dated April 20, 2016, the appellant's attorney made a vacancy argument and requested that the subject's improvement assessment should be reduced by a vacancy factor of 80%. Counsel stated the subject property had five units (one commercial unit and four apartment units) and that the commercial unit had been vacant since the subject's July 2013 sale due to ongoing construction. The appellant submitted an owner's occupancy affidavit showing the subject's commercial unit and three of the four apartment units were vacant for calendar year 2015. Counsel determined that since four of the subject's five units were vacant, the subject should have a vacancy factor of 80%. The Board finds the appellant submitted no evidence of market value or vacancy rates for similar type properties. Without this evidence, the Board finds it is impossible to know if the vacancy rate is a result of location, economics, poor management, above market asking rents or any of a number of other relevant factors that were not disclosed. The Board finds there is no evidence in the record to indicate the market value reflected in the assessment is not indicative of the subject's value in 2015 even when vacancy is considered.

Alternatively, the appellant's attorney submitted evidence regarding the sale of the subject in July 2013 for a price of \$267,500. The Board finds the appellant did not provide enough evidence to establish that the subject's sale was actually an arm's length transaction. In Section IV – Recent Sale Data of the residential appeal form, the appellant stated the subject property had been advertised for one day prior to its sale. Being advertised for one day is not on its face a reasonable time for market exposure and somewhat undermines the appellant's claim that the subject's sale was arm's length. Moreover, the appellant did not submit sufficient supporting documentation (e.g., the sales contract or an MLS data sheet) that might have shed more light on the subject's sale. The Board finds due to the lack of data, the appellant failed to provide sufficient evidence to challenge the correctness of the assessment so as to shift the burden of proof to the Cook County Board of Review. (86 Ill.Admin.Code §1910.63(a)&(b)). Based on the evidence in the record, the Board finds a reduction in the subject's assessment based on overvaluation is not warranted.

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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