



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

APPELLANT: Angela Zakos Kapotas  
DOCKET NO.: 15-05962.001-R-1  
PARCEL NO.: 06-01-315-006

The parties of record before the Property Tax Appeal Board are Angela Zakos Kapotas, the appellant, by attorney Thomas M. Battista, of the Law Offices of Thomas M. Battista in Chicago; and the DuPage 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 **DuPage** County Board of Review is warranted. The correct assessed valuation of the property is:

**LAND:** \$97,020  
**IMPR.:** \$484,460  
**TOTAL:** \$581,480

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant timely filed the appeal from a decision of the DuPage 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 consists of a two-story masonry dwelling containing 6,169 square feet of living area. The dwelling was constructed in 2012. Features of the home include a full basement with finished area, central air conditioning, five fireplaces and a 3-car garage. The site is approximately 14,537 square feet in size and is located in Elmhurst, York Township, DuPage County.

The appellant contends overvaluation as the basis of the appeal. In support of this argument the appellant submitted an appraisal prepared by Nicholas J. Mulligan estimating the subject property had a market value of \$1,600,000 or \$259.36 per square foot of living area as of January 1, 2015. The appraiser analyzed four comparables that sold from May 2013 to August 2014 for prices ranging from \$1,400,000 to \$1,690,000 or from \$225.40 to \$263.70 per square foot of living area including land. The comparables are described as traditional masonry dwellings that

range in age from 5 to 10 years old. They range in size from 5,309 to 6,800 square feet of living area<sup>1</sup> and are located a distance of .66 of a mile to 1.13 miles from the subject. The comparables have varying degrees of similarity with the subject. The appraiser adjusted the comparables for differences with the subject, including adjusting site sizes by \$1 per square foot of land area and dwellings by \$50 per square foot of living area. After adjustments the comparables' adjusted sale prices ranged from \$1,443,258 to \$1,705,612.

The appraiser also developed the cost approach which valued the property at \$1,652,627. In the cost approach, the appraiser valued the site at \$400,000 or \$27.52 per square foot of land area and valued the dwelling at \$175.00 per square foot of living area before applying a depreciation factor of approximately 3.5%. In reconciliation, the appraiser gave more weight to the sales comparison approach as it best represents the actions of buyers and sellers.

Based on this evidence, the appellant requested the total assessment be reduced to \$533,333 or a market value of approximately \$1,600,000 or \$259.36 per square foot of living area including land at the statutory level of assessment.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject property of \$581,480. The subject's assessment reflects a market value of \$1,746,186 or \$283.06 per square foot of living area, land included, when using the 2015 three-year average median level of assessment for DuPage County of 33.30% as determined by the Illinois Department of Revenue.

With respect to the appellant's evidence, the board of review submitted a memo from the township assessor pointing out the appraisal comparables were not in the same neighborhood code as the subject and submitted maps showing the locations of both parties' comparables and the subject.

In support of the subject's assessment, the board of review submitted information on six comparable sales located in the same neighborhood code as the subject. These comparables are described as two-story dwellings of frame and/or masonry construction built from 2007 to 2014. They range in size from 4,176 to 8,303 square feet of living area and have varying degrees of similarity with the subject. The comparables sold from October 2012 through September 2015 for prices ranging from \$1,230,000 to \$2,560,000 or from \$285.59 to \$349.57 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

In rebuttal, counsel for the appellant cites issues with the of the board of review comparables including dwelling size and sale dates.

### **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

---

<sup>1</sup> The appraiser claims comparable #2 contains 6,800 square feet of living area. The township assessor claims it contains 4,752 square feet of living area. Neither party submitted evidence to support their claim.

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 an appraisal estimating the property had a market value of \$1,600,000 or \$259.36 per square foot of living area as of January 1, 2015. The Board gave little weight to the final opinion of value found in the appraisal report based on distance of the comparables to the subject and/or a sale date in 2013 which is less indicative of market value as of the subject's assessment date of January 1, 2015. The appraiser did not adjust for this dated sale. The appraiser stated in the comments that each sale was adjusted for lot size by \$1.00 per square foot of land area if the difference exceeded 1,000 square feet. However, the appraiser, in the cost approach, valued the subject's site at \$400,000 or \$27.52 per square foot of land area which is significantly higher than the \$1.00 per square foot adjustment factor. These issues call into question the credibility of the final opinion of value in the appraisal. The Board will however analyze the raw sales.

The Board gave less weight to appraisal comparables #2, #3 and #4 and to board of review comparables #1, #2, #3 and #5 based on their dissimilar dwelling sizes, distance from the subject and/or sales occurring in 2013. The Board finds the best evidence of market value in the record to be appraisal comparable #1 and board of review comparables #4 and #6. These comparables are most similar to the subject in style, site size, dwelling size, location, exterior construction, age and most features. The comparables sold from May 2014 to September 2015 for prices ranging from \$1,420,000 to \$1,751,000 or from \$224.33 to \$349.57 per square foot of living area including land. The subject's assessment reflects a market value of \$1,746,186 or \$283.06 per square foot of living area, land included, which is within the range established by the best comparables in the record on both a total market value basis as well as a per square foot basis. Based on this evidence, the Board finds no reduction in the subject's assessment based on overvaluation is 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: April 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

State of Illinois  
Property Tax Appeal Board  
William G. Stratton Building, Room 402  
401 South Spring Street  
Springfield, IL 62706-4001

APPELLANT

Angela Zakos Kapotas, by attorney:  
Thomas M. Battista  
Law Offices of Thomas M. Battista  
10 South LaSalle Street  
Suite 3600  
Chicago, IL 60603

COUNTY

DuPage County Board of Review  
DuPage Center  
421 N. County Farm Road  
Wheaton, IL 60187