



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

APPELLANTS: Nicholas & Cathlyn Capotosto
DOCKET NO.: 23-02331.001-R-1
PARCEL NO.: 14-22-201-154

The parties of record before the Property Tax Appeal Board are Nicholas & Cathlyn Capotosto, the appellants, by attorney Brian P. Liston of the Law Offices of Liston & Tsantilis, P.C. in Chicago; and the Lake 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 **Lake** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$37,885
IMPR.: \$305,195
TOTAL: \$343,080

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the Lake County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2023 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 dwelling of brick exterior construction with 5,401 square feet of living area. The dwelling was constructed in 2007. Features of the home include a basement, central air conditioning, two fireplaces¹ and a 1,098 square foot garage. The property has an approximately 53,578 square foot site and is located in Kildeer, Ela Township, Lake County.

The appellants' appeal is based on overvaluation. In support of this argument the appellants submitted evidence disclosing the subject property was purchased on July 17, 2021 for a price of \$980,000. To document the sale the appellants provided a copy of the Warranty Deed, a property transfer history printout, a bill of sale and the settlement statement. The settlement

¹ The subject's property record card disclosed the subject has two fireplaces, which was not refuted by the appellants.

statement reiterated the date of sale and purchase price and disclosed commissions were paid to two realty agencies. Based on this evidence, the appellants requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$343,080. The subject's assessment reflects a market value of \$1,029,343 or \$190.58 per square foot of living area, land included, when using the statutory level of assessment of 33.33%.²

In support of its contention of the correct assessment the board of review submitted information on four comparable properties that have the same assessment neighborhood code as the subject and are located within .23 of a mile from the subject property. The comparables have sites that range in size from 43,953 to 48,725 square feet of land area. The comparables are improved with two-story dwellings of brick, frame or brick and frame exterior construction ranging in size from 3,682 to 4,615 square feet of living area. The comparables were built from 1987 to 2006. Each comparable has a basement, central air conditioning, one or two fireplaces and a garage ranging in size from 720 to 955 square feet of building area. The comparables sold from February 2022 to August 2023 for prices ranging from \$739,999 to \$1,599,000 or from \$200.54 to \$346.48 per square foot of living area, including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The appellants contend 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 appellants did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The appellants provided evidence regarding the sale of the subject property and the board of review submitted four comparable sales for the Board's consideration.

The Board has given little weight to the sale price of the subject property due to the fact the sale occurred in July 2021, approximately 17 months prior to the lien date at issue and is thus less likely to be indicative of the subject's market value as of the January 1, 2023 assessment date.

The Board finds the best evidence of market value in the record to be board of review comparable sales #1 and #2, which have sale dates that occurred more proximate in time to the assessment date at issue and these comparables are similar to the subject in location, design, age and some features. However, both dwellings are either 15% or 28% smaller in size, when compared to the subject dwelling, suggesting upward adjustments would be required to make the

² Procedural rule Sec. 1910.50(c)(1) provides that in all counties other than Cook, the three-year county wide assessment level as certified by the Department of Revenue will be considered. 86 Ill.Admin.Code Sec. 1910.50(c)(1). Prior to the drafting of this decision, the Department of Revenue has yet to publish figures for tax year 2023.

comparables more equivalent to the subject. Nevertheless, these two comparables sold for prices of \$865,000 and \$1,599,000 or for \$221.00 and \$346.48 per square foot of living area, including land. The subject's assessment reflects a market value of \$1,029,343 or \$190.58 per square foot of living area, including land, which is bracketed by the two best comparable sales in this record in terms of overall value but below the comparables on a price per square foot basis. The Board has given less weight to the board of review's comparables #3 and #4 which are less similar to the subject in age and dwelling size. Based on this record and after considering adjustments to the best comparables for differences from the subject, 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: _____

November 19, 2024



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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