



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

APPELLANT: Vijay Kumar & Sanjay Kumar Gupta
DOCKET NO.: 19-02411.001-R-1
PARCEL NO.: 06-14-161-004

The parties of record before the Property Tax Appeal Board are Vijay Kumar & Sanjay Kumar Gupta, the appellants, by attorney Stuart T. Edelstein, of Stuart T. Edelstein, Ltd. in Northbrook; and the Kane 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 **Kane** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$13,131
IMPR.: \$36,819
TOTAL: \$49,950

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellants timely filed the appeal from a decision of the Kane County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2019 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 cedar exterior construction with 2,042 square feet of living area. The dwelling has five bedrooms and was originally built in 1888 but has an effective age of 30 years old. Features of the home include a full unfinished basement, central air conditioning and a 2-car detached garage with a finished room above. The property has a 10,080 square foot site and is located in Elgin, Elgin Township, Kane County.¹

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants submitted an appraisal estimating the subject property had a market value of \$150,000 as of January 1, 2019. The appellants' attorney disclosed that the subject was in terrible condition when purchased by Sheriff's Deed on March 23, 2018 for \$101,100 and has had approximately \$10,000 to \$15,000 invested on interior repair since being purchased. The

¹ The Board finds the best evidence of the description and features of the subject is the appellant's appraisal.

appellants' appraiser inspected the subject on October 19, 2019 and confirmed that the subject has had some improvements since being purchased, including new or refinished flooring, some electrical and plumbing updates and some ceiling repairs, however, the appraiser disclosed that the subject is located in a market area that is typically not used for rental or investment purposes.

The appellants' appraisal was completed using the sales comparison approach to value property in estimating a market value for the subject. The appellants' appraiser selected five comparable properties that are located from .20 to .68 of a mile from the subject. The comparables have sites ranging in size from 5,278 to 12,000 square feet of land area that are improved with two-story dwellings of cedar or brick exterior construction containing from 1,522 to 2,316 square feet of living area. The homes range in age from 91 to 130 years old and each comparable has an unfinished basement. Four comparables have central air conditioning, three comparables each have either one or four fireplaces and three comparables have a garage ranging in size from a 1-car to a 3-car. The comparables sold from February to October 2018 for prices ranging from \$125,000 to \$194,900 or from \$70.20 to \$101.65 per square foot of living area, including land. After adjusting the comparables' sale prices for sales or financing concessions, view, condition, room count, gross living area, heating/cooling, garage/carport and other features, when compared to the subject, the appraiser estimated the comparables would have adjusted sale prices ranging from \$149,925 to \$158,000 or from \$66.02 to \$98.51 per square foot of living area, including land. Based on these adjusted sale prices, the appraiser estimated that the subject would have a value near the lower end of the value range due to the overall below average condition and lack of updating found in the home and its location on a busy street.

Based on this evidence the appellants requested that the subject's total assessment be reduced to \$49,995.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$63,327. The subject's assessment reflects a market value of \$190,171 or \$93.13 per square foot of living area, land included, when using the 2019 three-year average median level of assessment for Kane County of 33.30% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment the board of review submitted information on nine suggested comparable properties that are located from .05 to .20 of a mile from the subject. Seven of the comparables have sites ranging in size from 6,600 to 9,966 square feet of land area. The comparables are improved with part one-story and part two-story or two-story dwellings of frame construction containing from 1,368 to 2,628 square feet of living area. The homes were built between 1898 and 1913. The comparables have basements, four of which are finished and other features with varying degrees of similarity to the subject. The comparables sold from March 2018 to August 2019 for prices ranging from \$197,000 to \$260,000 or from \$89.84 to \$147.06 per square foot of living area, including land.

The board of review's evidence included a letter from Elgin Township critiquing the appellants' appraisal and disclosing that the subject is not owner occupied but is used as a rental property.

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 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 appellants estimating the subject property had a market value of \$150,000 as of January 1, 2019. The appellants' appraiser selected comparable properties that are similar to the subject and made adjustments to the comparables to support the appraisal's estimate of the subject's market value. The subject's assessment reflects a market value above the best evidence of market value in the record. The Board gives less weight to the board of review's unadjusted comparable sales analysis. The Board finds the comparables submitted by the board of review differ considerably in size, features and/or finished basements, when compared to the subject. Since market value has been established the 2019 three-year average median level of assessments for Kane County of 33.30% as determined by the Illinois Department of Revenue shall apply. (86 Ill.Admin.Code §1910.50(c)(1)).

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:

October 19, 2021



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

Vijay Kumar & Sanjay Kumar Gupta, by attorney:
Stuart T. Edelstein
Stuart T. Edelstein, Ltd.
1250 Rudolph Road
Apt 1J
Northbrook, IL 60062

COUNTY

Kane County Board of Review
Kane County Government Center
719 Batavia Ave., Bldg. C, 3rd Fl.
Geneva, IL 60134