



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

APPELLANT: Vijay Kumar, Sanjay K. & Sameer K. Gupta
DOCKET NO.: 19-02413.001-R-1
PARCEL NO.: 15-15-429-012

The parties of record before the Property Tax Appeal Board are Vijay Kumar, Sanjay K. & Sameer K. 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: \$5,107
IMPR.: \$8,225
TOTAL: \$13,332

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 one-story single-family dwelling of frame exterior construction with 660 square feet of living area. The dwelling was constructed in 1910. Features of the home include a full basement, central air conditioning and a detached 480 square foot garage with both a front porch and side porch. The property has an approximately 6,028 square foot site near train tracks and a busy road. The property is located in Aurora, Aurora Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In a brief accompanying the appeal, counsel purported that a May 4, 2018 Sheriff's Deed purchase of the subject property for \$58,101 was also a basis of this appeal, however, "recent sale" was not a basis marked in the Residential Appeal petition. (86 Ill.Admin.Code §1910.30(h) – "Every petition for appeal shall state the facts upon which the contesting party bases an objection to the decision of the board of

review . . .") For purposes of a complete record, the Board will summarize the subject's sale data that is contained in the record. It is asserted in the brief that the dwelling is 100% vacant and in uninhabitable condition. The brief further asserts that the buyers were unable to inspect the property prior to purchase at auction; had the buyers known the condition, "they would not have paid so much, or bought it at all."

In support of the "recent appraisal" basis of appeal set forth in the Residential Appeal petition, the appellants submitted an appraisal prepared by Peter Petrovich, a Certified Residential Real Estate Appraiser. The appraisal was prepared for a potential real estate tax appeal appraising the fee simple rights of the subject property. The appraiser utilized the sales comparison approach in arriving at an estimated market value of \$40,000 as of January 1, 2019.

Besides reporting the subject's purchase in May 2018, the appraiser noted the property in February 2018 was listed on the market with an asking price of \$69,900 which was reduced to \$59,900 before being removed from the market in October 2018.

As part of the appraisal addendum, Petrovich noted the subject "is obviously in the early process of renovation" noting that removal of floors had only recently begun. He considered the subject dwelling to be in poor condition for the market area with no obvious upkeep in several years (Addendum, page 2). Besides external obsolescence with a view of train tracks directly across the street and a busy thoroughfare nearby, Petrovich further described cracks in foundation, retaining wall issues, a dip in the roof and windows with rotting wood, among other items.

Using the sales comparison approach, the appraiser analyzed four sales which were located in Aurora, like the subject property, and within 1.62-miles from the subject. The comparables sold from March 2017 to August 2018 for prices ranging from \$34,000 to \$56,697 or from \$49.56 to \$61.11 per square foot of living area, including land. After performing adjustments to the comparable sales for differences from the subject, the appraiser set forth adjusted sales prices ranging from \$38,900 to \$51,397 and concluded an opinion of value for the subject of \$40,000, including land. Petrovich acknowledged that the subject was purchased for more than this appraised value conclusion at auction where the current owners placed the highest bid (Addendum, page 5).

Based on the foregoing appraisal report, the appellants requested a reduced assessment reflective of the appraised value conclusion.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$39,984. The subject's assessment reflects a market value of \$120,072 or \$181.93 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, summarily wrote that appellants purchase "at Sheriff auction with no right of inspection on a day certain to highest bidder negates arms length transaction between unrelated parties and should be given little to no consideration." The board of review also submitted two copies of the subject's property record card and two copies of

the PTAX-203 Illinois Real Estate Transfer Declaration related to the subject's May 2018 court-ordered sale for \$58,101 transferring the property via Sheriff's Deed.

Despite the statement "assessor comps are best evidence of value," the Board finds no comparable sales were presented by the board of review nor was any evidence responsive to the appellants' appraisal evidence provided. Based on the foregoing, the board of review requested confirmation of the subject's estimated market value as reflected by its 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 has given little consideration to the subject's May 2018 sale price as this was not the basis of this appeal and the evidence presented further failed in any manner to establish that this was an arm's length sale transaction which was truly reflective of the property's estimated market value at the time of sale. Moreover, the appellants' appraisal evidence has a valuation date more proximate in time to the assessment date at issue and indicates that the subject's prior 2018 sale price was not reflective of market value as of January 1, 2019.

The Board finds the best and only substantive evidence of market value in the record to be the appraisal submitted by the appellants with an estimated market value of \$40,000 as of January 1, 2019. The subject's assessment reflects a market value of \$120,072 or \$181.93 per square foot of living area, including land, which is above the appraised value established by the only market value evidence in the record. In conclusion and based on this evidence, the Board finds a reduction in the subject's assessment commensurate with the appellants' request is 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 16, 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

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