



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

APPELLANT: Vijay Kumar, Sanjay & Sameer Gupta  
DOCKET NO.: 19-02414.001-R-1  
PARCEL NO.: 15-18-354-011

The parties of record before the Property Tax Appeal Board are Vijay Kumar, Sanjay & Sameer 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:** \$10,394  
**IMPR.:** \$49,600  
**TOTAL:** \$59,994

Subject only to the State multiplier as applicable.

**Statement of Jurisdiction**

The appellant 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 split-level or bi-level single-family dwelling of frame with brick trim exterior construction with 2,136 square feet of living area. The dwelling was constructed in 1974. Features of the home include central air conditioning, a fireplace and an attached two-car garage containing 600 square feet of building area along with a rear concrete patio and deck. The property has a 12,632 square foot site and 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 March 26, 2018 Sheriff's Deed purchase of the subject property for \$165,000 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. In the brief, counsel cites to the appraiser's comments on condition, depreciation and functional utility of the property along with the photographic evidence.

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 \$180,000 as of January 1, 2019.

As part of the appraisal addendum, Petrovich noted the subject has reportedly been updated in the past year, including new hardwood floors in the living, dining and bedrooms, along with new carpet on the first floor. Kitchen cabinets appear original but have been painted and bathrooms seem original as well. The property is currently rented and "it seems that just enough work was done to the subject, so that it would be appealing to renters." He considered the subject dwelling to be in average condition for the market area (Addendum, page 2). Petrovich further described concrete front stairs with at least two major cracks, along the side of the staircase and right through the middle of the stairs (see photos); he noted "this may be a future problem." In addition, due to the placement of the dwelling on the site, the appraiser found excess front yard space to be surplus land. While the property is located across the street from a pond, just beyond that is a busy thoroughfare and thus the favorable pond view "is cancelled out by the adverse busy street view." (Addendum, page 3).

Petrovich described the comparable sales search to be for two-story properties within the neighborhood with a similar room count, age, living area, condition and quality, with no basement (Addendum, page 3). Using the sales comparison approach, the appraiser analyzed four sales which were located in Aurora, like the subject property, and from .59 of a mile to 1.27-miles from the subject. The comparable parcels range in size from 9,300 to 12,197 square feet of land area with residential views like the subject. The parcels are each improved with either a split-level, a bi-level or a two-story frame/sided or brick and frame dwelling ranging in age from 19 to 58 years old. The homes range in size from 1,750 to 2,534 square feet of living area. Each dwelling has central air conditioning and a two-car garage. One dwelling also has a fireplace. The comparables sold from March 2017 to October 2018 for prices ranging from \$170,000 to \$182,000 or from \$67.09 to \$104.00 per square foot of living area, including land.

The appraiser made adjustments for sale or financing concessions and/or date of sale and to the comparables for differences when compared to the subject for factors such as lot size, exterior construction, condition, bathrooms, dwelling size, lack of a fireplace and/or differences in outdoor spaces. Adjustments were further described in Addendum page 4 of the appraisal, including specifics as to each of the four comparable sales. The appraiser set forth adjusted sales prices ranging from \$174,500 to \$180,000 and, giving more weight to appraisal sale #1, concluded an opinion of value for the subject of \$180,000, including land. (Addendum, page 4).

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 \$64,453. The subject's assessment reflects a market value of \$193,553 or \$90.61 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 through the township assessor submitted information on three comparables with both sales and equity data located in Aurora, like the subject property, and from .83 to .96 of a mile from the subject. No data on parcel sizes was presented in the spreadsheet and applicable property record cards for the comparables were not submitted. The comparables consist of split-level frame or frame and masonry dwellings ranging in age from 47 to 54 years old. The homes range in size from 1,883 to 2,075 square feet of living area. Each dwelling has central air conditioning and a garage ranging in size from 351 to 560 square feet of building area. One dwelling also has a fireplace. The comparables sold from May to October 2018 for prices ranging from \$197,900 to \$220,000 or from \$97.83 to \$113.64 per square foot of living area, including land. The equity evidence will not be analyzed since it is not responsive to the appellants' overvaluation appeal.

Based on the foregoing evidence, 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 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 with varying degrees of similarity to the subject and made adjustments to the comparables for numerous considerations and in support of the appraisal's estimate of the subject's market value which was concluded at the high end of the range of adjusted sales prices. The subject's assessment reflects a market value of \$193,553, including land, which is above the best evidence of market value in the record.

The Board has given less weight to the board of review's unadjusted comparable sales analysis. More importantly, the Board finds the comparables submitted by the board of review lacked details necessary for a complete analysis such as lot size and/or condition for comparison to the subject property.

In conclusion after thoroughly analyzing the market value data presented by the parties, 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.

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Chairman



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Member



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Member



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Member

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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



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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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