



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

APPELLANT: Vijay Kumar and Dolly Gupta
DOCKET NO.: 19-02415.001-R-1
PARCEL NO.: 06-23-101-022

The parties of record before the Property Tax Appeal Board are Vijay Kumar and Dolly 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: \$12,647
IMPR.: \$39,301
TOTAL: \$51,948

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 “farmhouse style” dwelling of frame construction with 1,760 square feet of living area. The dwelling was originally built in 1880 but has an effective age of 30 years old. Features of the home include a full basement that is partially finished with a recreation room, central air conditioning, a carport and a 2-car detached garage. The property has an 8,621 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 \$156,000 as of January 1, 2019. The appellants’ attorney disclosed that the subject has had no updates since being purchased in 2009 and has water damage on the ceilings and walls in the living

¹ The Board finds the best evidence of the description and features of the subject is the appellants’ appraisal.

room, kitchen, front first floor bedroom and the basement recreation room. The appellants' appraiser inspected the subject on October 17, 2019 and confirmed that the subject has sustained water damage, which is documented by interior photographs, however, the appraiser disclosed that the subject is located in a market area that is typically not used for rental or investment purposes. The appraiser also revealed that the subject was being rented at the time of viewing.

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 three comparable properties that are located either .51 or .73 of a mile from the subject. The comparables have sites ranging in size from 6,336 to 12,000 square feet of land area that are improved with "Queen Ann" or "farmhouse" style dwellings of frame construction containing from 1,656 to 2,208 square feet of living area. The homes range in age from 95 to 119 years old and each comparable has a full basement, one of which is partially finished with a recreation room. Each comparable has central air conditioning, two comparables each have either one or four fireplaces and two comparables have either a 1-car or a 2-car garage. The comparables sold from July 2017 to March 2018 for prices ranging from \$145,000 to \$185,000 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, date of sale/time, site, quality of construction, condition, room count, gross living area, rooms below grade, garage/carport, porch/patio/deck and fireplaces, when compared to the subject, the appraiser estimated the comparables would have adjusted sale prices ranging from \$155,900 to \$158,600 or from \$71.24 to \$94.14 per square foot of living area, including land. Based on these adjusted sale prices, the appraiser estimated that the subject would have a market value of \$156,000 as of January 1, 2019. Based on this evidence the appellants requested that the subject's total assessment be reduced to \$51,995.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$61,131. The subject's assessment reflects a market value of \$183,577 or \$104.31 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 six suggested comparable properties that are located from .40 to .56 of a mile from the subject. The comparables have sites ranging in size from 4,380 to 7,841 square feet of land area that are improved with part one-story and part two-story or two-story dwellings of frame construction containing from 1,368 to 1,767 square feet of living area. The homes were built between 1912 and 1929. The comparables have basements, four of which are described as finished and other features with varying degrees of similarity to the subject. The comparables sold from January 2017 to July 2019 for prices ranging from \$184,000 to \$242,000 or from \$109.63 to \$144.01 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 occupied by tenants.

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 \$156,000 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 from the subject in features and/or size and are not particularly better than the comparables selected by the appellants' appraiser. 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

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