



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

APPELLANT: Vijay Kumar Gupta
DOCKET NO.: 19-02417.001-R-1
PARCEL NO.: 06-23-101-026

The parties of record before the Property Tax Appeal Board are Vijay Kumar Gupta, the appellant, 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: \$11,897
IMPR.: \$38,098
TOTAL: \$49,995

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 two-story "Queen Anne" single-family dwelling of frame exterior construction with approximately 1,930 square feet of living area. The dwelling was constructed in 1916. Features of the home include a full basement that is 50% finished, central air conditioning, a 208 square foot enclosed porch, a 275 square foot deck and a detached one-car garage containing 308 square feet of building area. The property has a 6,864 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellant contends overvaluation as the basis of the appeal. In further support, the appellant provided a brief prepared by counsel in which it was asserted there have been no updates to the property since its purchase in 2009 with a dated interior now. Furthermore, it was asserted floor boards are warped throughout the first floor; there are ceiling cracks in a first floor bedroom; and the basement presents evidence was water damage which is also musty and water stains appear

everywhere. Additionally, the brief states the owner reports "water enters by the side of the front porch and water enters during period of heavy/steady rain (see photos [in appraisal])." Given these conditions that would have to be reported upon sale, the appellant surmises the property is less attractive to buyers and may present a longer listing period with a lower overall price.

In support of this argument the appellant 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 \$150,000 as of January 1, 2019.

As part of the appraisal addendum, Petrovich considered the subject dwelling to be in below average condition for the market area (Addendum, page 2). He further noted the same points outlined in the brief prepared by appellant's attorney concerning warped floor boards, ceiling cracks and basement water damage along with the owner's report of water entering the dwelling.

Petrovich described the comparable sales search to be for 1.5-story and 2-story properties within the neighborhood with a similar room count, age, living area, condition and quality (Addendum, page 3). Using the sales comparison approach, the appraiser analyzed four sales which were located in Elgin, like the subject property, and from .39 to .67 of a mile from the subject. The comparable parcels range in size from 5,143 to 12,000 square feet of land area with residential views like the subject. The parcels are each improved with either a Dutch Colonial, a Cape Cod or a Queen Anne frame dwelling. Photographic evidence depicts dwellings varying in design from 1.5-story to 2-story styles. The dwellings range in age from 61 to 119 years old. The homes range in size from 1,436 to 2,208 square feet of living area. Each dwelling has a full basement, two of which have finished areas, and each home has central air conditioning. Two of the comparables have one and four fireplaces, respectively. Three of the properties have either one-car or two-car garages. Each dwelling has various outside amenities of patio(s) and/or porch(s). The comparables sold from February to June 2018 for prices ranging from \$135,000 to \$185,000 or from \$70.20 to \$114.07 per square foot of living area, including land.

The appraiser made adjustments for sale or financing concessions and to the comparables for differences when compared to the subject for factors such as lot size, exterior construction, condition, bathrooms, dwelling size, basement finish, fireplace(s), garage size and/or differences in outdoor spaces. Adjustments were further described in Addendum pages 3 and 4 of the appraisal, including specifics as to each of the four comparable sales. The appraiser set forth adjusted sales prices ranging from \$145,400 to \$155,600 and concluded an opinion of value for the subject of \$150,000, including land. (Addendum, page 4).

Based on the foregoing appraisal report, the appellant 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 \$62,043. The subject's assessment reflects a market value of \$186,315 or \$96.54 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 response to the appellant's appraisal evidence, the Elgin Township Assessor's office wrote in a memorandum that appraisal sale #1 was contracted in 28 days and sold for cash in as-is condition; appraisal sale #2 was contracts in 2 days; and comparable #3 is a 1.5-story dwelling and was a sale "between corporate affiliates." None of these assertions is supported by applicable documentation such as MLS listing sheets or transfer declaration(s).

In support of its contention of the correct assessment, the board of review through the township assessor submitted a two-page spreadsheet with information on 11 comparable sales. The comparables are located in Elgin, like the subject property, and none are located in the same subdivision as the subject. The comparable parcels range in size from 4,380 to 12,197 square feet of land area. The parcels are each improved with either a part one-story and part two-story or a two-story frame dwelling. The dwellings were built between 1890 and 1929. The homes range in size from 1,368 to 1,944 square feet of living area. Each dwelling has a full or partial basement, six of which have finished areas. Nine of the comparables have central air conditioning and six of the comparables have fireplace(s). Ten of the properties have garages ranging in size from 181 to 576 square feet of building area. Ten of the dwellings have various outside amenities of patio(s) and/or porch(s). The comparables sold from October 2016 to July 2019 for prices ranging from \$184,000 to \$242,000 or from \$96.45 to \$144.01 per square foot of living area, including land. Based on this evidence and argument, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The appellant contends 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 appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The appellant submitted an appraisal and the board of review submitted criticisms of the appraisal sales along with 11 comparable sales to support their respective positions before the Property Tax Appeal Board. The Board has given reduced weight to board of review sales #1, #4, #6, #7, #9, #10 and #11 due to dates of sales in 2016 or 2017 which are more remote in time to the valuation date at issue of January 1, 2019 than other sales in the record and/or due to unfinished basements which are inferior to the subject's finished basement.

Furthermore, given the lack of condition data related to board of review comparable sales #2, #3, #5 and #8, the Board finds it is unable to perform a complete analysis of comparability of the subject to these dwellings that sold from March 2018 to July 2019 for prices ranging from \$184,900 to \$242,000 or from \$125.10 to \$144.01 per square foot of living area, including land, which is notably mostly higher than the subject's estimated market value as reflected by its assessment.

The Board finds the best evidence of market value in the record to be the appraisal submitted by the appellant, particularly given the descriptive and photographic evidence of condition issues

related to the subject dwelling that were not at all refuted by the board of review. Furthermore, the Board finds the township assessor's criticisms of the market days, design of the dwelling and/or the potential relation of parties to a sales transaction were not supported by any supporting documentation. The subject's assessment reflects a market value of \$186,315 or \$96.54 per square foot of living area, including land, which is above the appraised value conclusion of \$150,000, including land, in the record. Based on this evidence and after thoroughly examining the sales data in the record, the Property Tax Appeal Board finds a reduction in the subject's assessment commensurate with the appellant's 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

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