



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

APPELLANT: Vijay Kumar & Sanjay Kumar Gupta
DOCKET NO.: 19-02424.001-R-1
PARCEL NO.: 06-27-151-013

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: \$13,411
IMPR.: \$27,418
TOTAL: \$40,829

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 dwelling of frame exterior construction with 936 square feet of living area. The dwelling was constructed in 1963. Features of the home include a full basement with 200 square feet of finished area, central air conditioning, a fireplace and a detached 440 square foot garage. The property has a 10,400 square foot site and is located in Elgin, Elgin Township, Kane County.

The appellants' appeal is based on overvaluation. In support of this argument, the appellants partially completed Section IV – Recent Sale Data of the Residential Appeal petition reporting that the subject property was purchased on April 30, 2018 for \$122,500. The appellants report the seller was PennyMac Loan Services, LLC, the parties to the transaction were not related and the property was sold by the bank. While the appellants indicate the property was "advertised" for sale, the appellants neither provide how long it was advertised and/or by what method besides

checking "other" but not stating how it was advertised. The appellants further report that the sale was due to a foreclosure action.

In a brief accompanying the appeal, counsel wrote, "The house was in terrible condition when it was purchased and was in the same condition on January 1, 2019." In further support of the appeal, the appellants provided a copy of the subject's property record card which, in part, depicts the April 2018 sale as a Bank REO (Real Estate Owned") that transferred via Special Warranty Deed; a copy of the Settlement Statement reiterating the date and sale price but also showing that no commissions were paid in relation to the transaction; a copy of the PTAX-203 Illinois Real Estate Transfer Declaration indicating that the property was advertised for sale but also noting it was a Bank REO (Real Estate Owned) transaction along with a copy of the Special Warranty Deed; and one black and white exterior photograph presumably of the subject dwelling.

Based on this evidence, the appellants requested a reduction in the subject's assessment to reflect the purchase price.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$53,483. The subject's assessment reflects a market value of \$160,610 or \$171.59 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 rebuttal the board of review presented a statement from the Elgin Township Assessor's Office asserting the sale of the subject could not be found within the Multiple Listing Service (MLS) and, while the appellants asserted the dwelling was in below average condition at the time of sale, the assessor noted there was no evidence either within the MLS or within the appellant's appeal petition exhibiting the condition.

In support of its contention of the correct assessment, the board of review through the township assessor purported to have submitted four comparable sales located within a quarter of a mile from the subject with purported sales prices ranging from \$156.53 to \$192.31 per square foot of living area, including land, however, this data only is set forth in the assessor's memorandum. There is no grid analysis, spreadsheet and/or printout of comparable sales that were submitted by the board of review in this proceeding. Based on the foregoing argument, 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 only evidence of market value in the record to be the purchase of the subject property in April, 2018 for a price of \$122,500. The appellants provided evidence demonstrating the sale occurred as reported with documentation supporting the transaction. The appellants partially completed Section IV - Recent Sale Data of the appeal disclosing the parties to the transaction were not related and alleging the property had been advertised which was also set forth in the PTAX-203 documentation, although the assessor reported that no evidence of a listing could be found in the MLS.

In further support of the transaction the appellant submitted a copy of the Settlement Statement and the PTAX-203 Illinois Real Estate Transfer Declaration. While it appears that the board of review intended to present comparable sales data in an effort to seek to overcome the subject's 2018 purchase price, the record is clear that whether by oversight or other clerical error, no such comparable sales evidence was actually presented by the Kane County Board of Review in this proceeding. Without a complete description of the purported comparable sales, their locations, designs, ages, dwelling sizes and/or features for a thorough analysis and comparison of comparability by the Property Tax Appeal Board, the Board can give no weight to the summary data in the assessor's memorandum setting forth purported sales prices per square foot along with the lack of sale date information.

On this limited record and while the appellants failed to substantiate the purported condition of the subject dwelling with interior photographs, the Property Tax Appeal Board finds, in the absence of comparable sales in the subject's neighborhood of similar dwellings, the subject's April 2018 purchase price of \$122,500 is the only competent market value evidence in the record and is also below the market value reflected by the assessment of \$160,610. Furthermore, the Board finds the board of review did not present any substantive evidence to challenge the arm's length nature of the transaction or to refute the contention that the purchase price was reflective of market value at the time of sale.

Therefore, based on this limited record, the Board finds the subject property's assessment is not reflective of market value and 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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