



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

APPELLANT: Vijay Kumar, Sanjay, & Sameer Gupta
DOCKET NO.: 20-05182.001-R-1
PARCEL NO.: 15-34-276-010

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:	\$5,292
IMPR.:	\$18,032
TOTAL:	\$23,324

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 2020 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 part two-story and part one-story dwelling of frame exterior construction with 1,368 square feet of living area. The dwelling was constructed in 1948. Features of the home include a part crawl space and part concrete slab foundation, a detached 2-car garage containing 576 square feet of building area, and a deck. The property has a 6,384 square foot, or 0.15 of an acre, site and is located in Aurora, Aurora Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of this argument the appellants completed Section IV – Recent Sale Data of the appeal petition disclosing the subject property sold in March 2018 for a price of \$82,000 and that the sale occurred by auction that was advertised for six months. The appellants disclosed the sale was not between related parties, was due to foreclosure, and was not by contract for deed. In support of this transaction, the appellant presented a Sheriff's Deed and a Sheriff's Report of Sale and Distribution which describes the

purchase price of \$82,000 which resulted in a surplus of \$20,644.54 after satisfaction of the judgment amount, interest, fees, expenses, and costs. The appellants presented an undated list of repairs and improvements that had been completed and still needed to be completed, which they estimated would take four to five months.

The appellants also submitted an appraisal estimating the subject property had a market value of \$70,000 as of January 1, 2019. The appraisal was prepared by Peter Petrovich, a certified residential real estate appraiser, for ad valorem tax purposes.

The appraiser noted the subject was in the process of being renovated but that work had only recently begun. The appraiser stated the subject home was in fair condition for the market area, however, the appraiser noted deficiencies in the roof, a downspout, several windows, front and rear doors, and rear deck. The appraiser further described worn flooring, dated cabinets and countertops and damaged interior walls.

Under the sales comparison approach, the appraiser selected four comparable sales located within 0.81 of a mile from the subject. The appraiser explained that two of the comparables are foreclosure sales as nine of seventeen recent sales were foreclosures, indicating foreclosures are common in the market area. The parcels range in size from 5,663 to 12,197 square feet of land area and are improved with 1-story or part 1-story and part 2-story homes¹ of frame/sided exterior construction ranging in size from 1,274 to 1,812 square feet of living area. The dwellings range in age from 65 to 119 years old. Three homes each have a basement, two homes have central air conditioning, and three homes each have a 1-car or a 2-car garage. The comparables sold from February to June 2018 for prices ranging from \$70,000 to \$88,000 or from \$39.46 to \$64.29 per square foot of living area, including land. The appraiser made adjustments to these comparables for sale or financing concessions and for differences from the subject, such as lot size, bathroom count, dwelling size, foundation type, garage amenity, and other improvements, to arrive at adjusted sale prices ranging from \$60,600 to \$74,700. Based on the foregoing, the appraiser opined a market value of \$70,000 for the subject as of January 1, 2019. The appraiser acknowledged the appellants purchased the subject property for more than the appraised value conclusion.

Based on this evidence the appellants requested a reduction in the subject's assessment to reflect the appraised value conclusion.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$41,088. The subject's assessment reflects a market value of \$123,313 or \$90.14 per square foot of living area, land included, when using the 2020 three year average median level of assessment for Kane County of 33.32% as determined by the Illinois Department of Revenue.

The board of review noted the appraisal relies on 2018 sales and there were no adjustments for differences in bedroom count. The board of review further noted "[h]omeowner's responsibility

¹ Additional details regarding these comparables are found in the grid analysis of these properties presented by the board of review.

to bring to average condition it's been a while (sic)" indicating the repairs may not yet be complete.

In support of its contention of the correct assessment the board of review submitted information on four comparable sales, together with a grid analysis of the appraisal comparables and maps depicting the locations of both parties' comparables in relation to the subject. The board of review's comparables are located within 0.73 of a mile from the subject. The parcels range in size from 0.14 to 0.16 of an acre of land area and are improved with part 1-story and part 2-story homes of frame exterior construction ranging in size from 1,270 to 1,430 square feet of living area. The dwellings were built from 1909 to 1954. Three homes each have a basement, each home has central air conditioning, and two homes have either a 432 or 672 square foot garage. The comparables sold from March 2017 to December 2018 for prices ranging from \$152,000 to \$176,000 or from \$102.41 to \$129.91 per square foot of living area, including land.

The board of review also submitted a grid analysis of four equity comparables, which the Board finds is not responsive to the appellants' overvaluation arguments and shall not be further considered herein.

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 appellants submitted an appraisal and evidence of a recent sale and the board of review presented four comparable sales in support of their respective positions before the Board. The Board has given little consideration to the subject's March 2018 sale price as 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 gives less weight to the board of review comparables as these unadjusted raw sales do not overcome the weight given the appellants' appraisal.

The Board finds the best evidence of market value to be the appraisal submitted by the appellants, although the appraisal states a value conclusion as of January 1, 2019 rather than as of the assessment date and relies on sales occurring in 2018. However, the board of review also presented older sales occurring in 2017 and 2018 despite arguing that the appraisal comparables are older sales. The appraiser used two foreclosure sales as comparables, which was explained in the appraisal report, and was not refuted by the board of review. The comparables bracket the subject in dwelling size and other features and the appraiser made reasonable adjustments to the comparables. Thus, on this limited record, the Board finds the appraisal states a more credible and/or reliable opinion of value.

The subject's assessment reflects a market value of \$123,313 or \$90.14 per square foot of living area, including land, which is above the appraised value. The Board finds the subject property had a market value of \$70,000 as of the assessment date at issue. Since market value has been established the 2020 three year average median level of assessments for Kane County of 33.32% 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:

April 18, 2023



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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