



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

APPELLANT: Vijay Kumar Gupta, Sanjay Gupta, and Sameer Gupta  
DOCKET NO.: 20-05189.001-R-1  
PARCEL NO.: 06-27-451-013

The parties of record before the Property Tax Appeal Board are Vijay Kumar Gupta, Sanjay Gupta, and 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 **No Change** 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:** \$15,533  
**IMPR.:** \$58,276  
**TOTAL:** \$73,809

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 1-story dwelling of frame exterior construction with 1,775 square feet of living area. The dwelling was constructed in 1981 and is approximately 39 years old. Features of the home include a crawl space foundation, central air conditioning, and a 1-car garage. The property has an approximately 10,575 square foot site and is located in South Elgin, Elgin Township, Kane County.

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 \$190,000 as of January 1, 2019. The appraisal was prepared by Julia L. Kari, a certified residential real estate appraiser, for ad valorem tax purposes.

Under the sales comparison approach, the appraiser selected four comparable sales located from 0.45 of a mile to 1.62 miles from the subject. The parcels range in size from 7,920 to 14,600 square feet of land area and are improved with 1-story homes ranging in size from 1,341 to 1,928 square feet of living area. The dwellings range in age from 40 to 64 years old. One home has a basement with finished area. Each home has central air conditioning and a 1-car or a 2-car garage. Two homes have one or two fireplaces. The comparables sold from February 2016 to November 2018 for prices ranging from \$137,900 to \$237,500 or from \$99.78 to \$141.88 per square foot of living area, including. The appraiser made adjustments to the comparables for sale or financing concessions and for differences from the subject, such as dwelling size, room count, condition, garage size, and other improvements, to arrive at adjusted sale prices ranging from \$157,600 to \$191,900. Based on the foregoing, the appraiser opined a market value of \$190,000 for the subject as of January 1, 2019.

The appellants also completed Section IV – Recent Sale Data of the appeal petition disclosing the subject sold in June 2018 for \$147,000. The appellants further disclosed the sale was not between related parties, the property was sold at a sheriff's sale, the property was advertised for sale for six months, and the sale was due to foreclosure. In support of this transaction the appellants submitted a copy of a Real Estate Transfer Declaration, indicating the property was transferred by a Sheriff's Deed and was sold due to foreclosure.

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 \$73,809. The subject's assessment reflects a market value of \$221,516 or \$124.80 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.

In support of its contention of the correct assessment the board of review submitted information on nine comparable sales located from 0.03 of a mile to 1.62 miles from the subject. Comparable #6 is the same property as appraisal sale #4. Five parcels range in size from 8,712 to 14,600 square feet of land area. The comparables are improved with 1-story homes of frame or frame with brick trim exterior construction ranging in size from 1,064 to 1,928 square feet of living area. The dwellings were built from 1963 to 1986. Each home has central air conditioning and a garage ranging in size from 240 to 495 square feet of building area. Six homes each have a basement, five of which have finished area and one of which is a walkout basement, and three homes each have a crawl space foundation. Six homes have a fireplace. The comparables sold from May 2017 to June 2019 for prices ranging from \$205,000 to \$245,000 or from \$114.11 to \$214.16 per square foot of living area, including land.

The board of review submitted a letter from the township assessor's office contending that the subject was purchased in 2018 and has since been remodeled and updated. The assessor further contended the appraisal states a value as of January 1, 2019 rather than the assessment date and relies on two comparables that are significantly older homes than the subject. The assessor reported appraisal sale #3 is under contract for \$219,900.

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 did not meet this burden of proof and a reduction in the subject's assessment is not warranted.

The appellants presented an appraisal and evidence of a June 2018 sale of the subject property and the board of review presented nine comparable sales in support of their respective positions before the Board. The Board gives less weight to the June 2018 sale of the subject, which occurred less proximate in time to the assessment date. Furthermore, the board of review asserted the subject home had been renovated since the purchase, which was not refuted by the appellant in written rebuttal.

The Board also gives less weight to the value conclusion contained in the appraisal. The appraisal states a value conclusion as of January 1, 2019 and relies on sales occurring from 2016 to 2018, which are more remote in time from the assessment date. Moreover, the appraiser did not make adjustments for age to two comparables which are much older homes than the subject. Based on the foregoing, the Board finds the appraisal states a less credible and/or reliable opinion of value and the Board will instead consider the raw sales data presented in the appraisal and by the board of review.

The board of review gives less weight to the appraisal sales #1, #2, and #3 and the board of review's comparables #1, #3, #4, #5, #7, #8, and #9, due to substantial differences from the subject in dwelling size and/or which sold less proximate in time to the assessment date than other comparables in this record.

The Board finds the best evidence of market value to be the appraisal sale #4/board of review's comparable #6 and the board of review's comparable #2, which are relatively similar to the subject in dwelling size, age, location, and some features, although one of these comparables has a basement with finished area unlike the subject, suggesting downward adjustments to this comparable would be needed to make it more equivalent to the subject. These two most similar comparables sold for prices of \$205,000 and \$237,500 or for \$136.67 and \$141.88 per square foot of living area, including land, respectively. The subject's assessment reflects a market value of \$221,516 or \$124.80 per square foot of living area, including land, which is bracketed by the best two comparable sales in terms of total market value and below the best comparables on a per square foot basis. Based on this evidence and after considering appropriate adjustments to the best comparables for differences when compared to the subject, the Board finds a reduction in the subject's assessment is not 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:

May 16, 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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