



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

APPELLANT: Vijay Kumar Gupta & Sanjay Kumar Gupta  
DOCKET NO.: 20-05190.001-R-1  
PARCEL NO.: 06-14-161-004

The parties of record before the Property Tax Appeal Board are Vijay Kumar Gupta & 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 **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:** \$13,785  
**IMPR.:** \$52,696  
**TOTAL:** \$66,481

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 2-story dwelling of cedar exterior construction with 2,042 square feet of living area. The dwelling was constructed in 1888 and is approximately 132 years old. Features of the home include a basement, central air conditioning, and a detached 2-story garage with 752 square feet of building area.<sup>1</sup> The property has a 10,080 square foot site and is located in 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 \$150,000 as of January 1, 2019. The appraisal was prepared by Julia L. Kari, a certified residential real estate appraiser, for ad valorem tax purposes.

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<sup>1</sup> Additional details regarding the subject not reported by the appellants are found in the subject's property record card presented by the board of review.

Under the sales comparison approach, the appraiser selected five comparables sales located within 0.68 of a mile from the subject. The parcels range in size from 5,278 to 12,000 square feet of land area and are improved with 2-story homes of cedar or brick exterior construction ranging in size from 1,522 to 2,316 square feet of living area. The dwellings range in age from 91 to 130 years old. Each home has a basement. Four homes have central air conditioning, three homes have one or four fireplaces, and three homes have from a 1-car to a 3-car garage. The comparables sold from February to October 2018 for prices ranging from \$125,000 to \$194,900 or from \$70.20 to \$101.65 per square foot of living area, including land. The appraiser made adjustments to the comparables for sale or financing concessions and for differences from the subject, such as view, condition, room count, dwelling size, and other amenities, to arrive at adjusted sale prices ranging from \$149,925 to \$158,000. Based on the foregoing the appraiser opined a market value for the subject of \$150,000 as of January 1, 2019.

The appellants also completed Section IV – Recent Sale Data of the appeal petition disclosing the subject was purchased in March 2018 for \$101,100. The appellants further disclosed the sale was not between related parties, the property was sold at auction and 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 settlement statement, indicating a purchase price of \$101,100, a Special Warranty Deed.

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 \$66,481. The subject's assessment reflects a market value of \$199,523 or \$97.71 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 eleven comparable sales located 0.21 of a mile from the subject. The parcels range in size from 4,356 to 13,068 square feet of land area and are improved with part 1-story and part 2-story or 2-story homes of brick or frame exterior construction ranging in size from 1,368 to 2,779 square feet of living area. The dwellings were built from 1898 to 1929. Each home has a basement, six of which have finished area, and a garage ranging in size from 216 to 736 square feet of building area. Seven homes have central air conditioning and five homes have a fireplace. Comparable #5 has finished attic area. The comparables sold from June 2017 to December 2019 for prices ranging from \$194,900 to \$286,000 or from \$101.40 to \$147.66 per square foot of living area, including land.

The board of review submitted a letter from the township assessor's office contending that the appraisal contains adjustments to the comparables for financing concessions and large unsubstantiated adjustments for condition. The assessor further contended the appraiser noted the appellants made improvements to the subject home since their purchase.

Based on this evidence the board of review requested the subject's assessment be sustained.

### **Conclusion of Law**

The appellants 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 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 March 2018 sale of the subject and the board of review presented eleven comparable sales in support of their respective positions before the Board. The Board gives less weight to the March 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 appellants 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 in 2018, which are more remote in time from the assessment date. 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 by the board of review.

The Board finds the best evidence of market value to be the board of review's comparables #6 and #9 which are relatively similar to the subject in dwelling size, age, location, site size, and features, although these comparables have finished basement area and a fireplace unlike the subject, suggesting downward adjustments to these comparables would be needed to make them more similar to the subject. The Board gives less weight to the board of review's comparables #1 through #5, #7, #8, #10, #11, due to substantial differences from the subject in dwelling size and/or which sold less proximate in time to the assessment date. The two most similar comparables sold for prices of \$218,900 and \$242,000 or for \$106.47 and \$136.96 per square foot of living area, including land, respectively. The subject's assessment reflects a market value of \$199,523 or \$97.71 per square foot of living area, including land, which is below the best comparable sales in the record. Based on this evidence and after considering appropriate adjustments to the best comparables for differences from 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

State of Illinois  
Property Tax Appeal Board  
William G. Stratton Building, Room 402  
401 South Spring Street  
Springfield, IL 62706-4001

APPELLANT

Vijay Kumar Gupta & Sanjay Kumar Gupta, by attorney:  
Stuart T. Edelstein  
Stuart T. Edelstein, Ltd.  
1250 Rudolph Road  
Apt 1J  
Northbrook, IL 60062

COUNTY

Kane County Board of Review  
Kane County Government Center  
719 Batavia Ave., Bldg. C, 3rd Fl.  
Geneva, IL 60134