



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

APPELLANT: Vijay Kumar and Dolly Gupta
DOCKET NO.: 20-05194.001-R-1
PARCEL NO.: 08-26-227-002

The parties of record before the Property Tax Appeal Board are Vijay Kumar and Dolly 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: \$29,121
IMPR.: \$160,308
TOTAL: \$189,429

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 two-story single-family dwelling of frame and brick exterior construction with approximately 4,437 square feet of living area. The dwelling was constructed in 2000. Features of the home include a full walkout-style basement that is 90% finished, central air conditioning, two fireplaces and an attached three-car garage containing approximately 698 square feet of building area along with a rear deck and two patios. The property has a 17,913 square foot site and is located in St. Charles, Campton Township, Kane County.

The appellants contend overvaluation as the basis of the appeal. In support of the overvaluation claim, the appellants submitted both an appraisal with an estimated market value as of January 1, 2019 of \$560,000 and a refinance appraisal for First Midwest Bank with an estimated market values as of February 6, 2020 of \$590,000. In addition, the appellants provided a grid analysis of

three additional comparable sales, one of which was set forth in the 2019 appraisal report, in support of the overvaluation appeal.

The appellants further disclosed that the subject property is an owner-occupied residence. The Property Tax Appeal Board takes notice that the subject was the basis of an appeal before the Property Tax Appeal Board the prior year under Docket Number 19-02416.001-R-1. In that appeal, the Property Tax Appeal Board issued a decision lowering the assessment of the subject property to \$186,648 based on the evidence submitted by the parties and in particular, the appellants' 2019 appraisal of the subject property.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$221,828. The subject's assessment reflects a market value of \$665,551 or \$150.00 per square foot of living area, land included, when using the statutory level of assessment of 33.33%.

The board of review further reported that 2019 was the first year of the general assessment cycle for the subject property and therefore tax years 2019 and 2020 are within the same general assessment period in Kane County. The evidence provided by the board of review further disclosed that a township equalization factor of 1.01490 was applied in 2020 in Campton Township.

In response to the appellants' 2020 tax year appeal, the board of review recognized both the 2019 and 2020 appraisals presented by the appellants and in considering area sales evidence, the board of review proposed a reduction in the subject's 2020 assessment to \$213,312 which would reflect a market value of approximately \$640,000, including land.

The appellants were informed of this proposed assessment reduction and timely responded rejecting the offer. Counsel further reiterated that the subject property is owner-occupied and that there was an appeal still pending for tax year 2019 before the Property Tax Appeal Board.

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 further finds that a reduction in the subject's assessment is warranted.

Section 16-185 of the Property Tax Code (35 ILCS 200/16-185) provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, **shall remain in effect for the remainder of the general assessment** period as provided in Sections 9-215 through 9-225, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the

fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review." [Emphasis added.]

For the 2019 tax year appeal, the Property Tax Appeal Board rendered a decision lowering the assessment of the subject property based on the evidence submitted by the parties. The record contains no evidence indicating the subject property sold in an arm's length transaction subsequent to the Board's decision or that the assessment year in question is in a different general assessment period. The township multiplier for 2020 was 1.01490.

The records of the Property Tax Appeal Board reveal that the prior year's decision in Docket No. 19-02416.001-R-1 resulted in a total assessment reduction to \$186,648. Carrying forward the prior year's decision to the subsequent year subject only to the township's 2020 equalization factor of 1.01490, the new assessment of the subject would be approximately \$189,429. This finding is pursuant to and in accordance with section 16-185 of the Property Tax Code (35 ILCS 200/16-185).

For these reasons the Property Tax Appeal Board finds that a reduction in the subject's assessment is warranted to reflect the Board's prior year's finding plus the application of any factor applied for equalization.

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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