



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

APPELLANT: Vijay Kumar & Dolly Gupta
DOCKET NO.: 21-05543.001-R-1
PARCEL NO.: 06-23-101-022

The parties of record before the Property Tax Appeal Board are Vijay Kumar & 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 **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: \$13,908
IMPR.: \$53,317
TOTAL: \$67,225

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 2021 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 “farmhouse” style dwelling of frame construction with 1,760 square feet of living area. The dwelling was originally built in 1880 but has an effective age of 30 years old. Features of the home include a full basement that is partially finished with a recreation room, central air conditioning, a carport and a 2-car detached garage.¹ The property has an 8,621 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 prepared by Peter Petrovich, a Certified Illinois Residential Real Estate Appraiser. The purpose of the appraisal was for tax protest purposes and the property rights appraised were fee simple. Petrovich estimated the subject property had a market value of \$156,000 as of January 1, 2019. The appellants’ attorney disclosed that the subject has

¹ The Board finds the best evidence of the description and features of the subject is the appellants’ appraisal.

had no updates since being purchased in 2009 and has water damage on the ceilings and walls in the living room, kitchen, front first floor bedroom and the basement recreation room. The appellants' appraiser inspected the subject on October 17, 2019 and confirmed that the subject has sustained water damage, which is documented by interior photographs, however, the appraiser disclosed that the subject is located in a market area that is typically not used for rental or investment purposes. The appraiser also revealed that the subject was being rented at the time of viewing.

The appellants' appraisal was completed using the sales comparison approach to value property in estimating a market value for the subject. The appellants' appraiser selected three comparable properties that are located either .51 or .73 of a mile from the subject. The comparables have sites ranging in size from 6,336 to 12,000 square feet of land area that are improved with "Queen Ann" or "farmhouse" style dwellings of frame construction containing from 1,656 to 2,208 square feet of living area. The homes range in age from 95 to 119 years old and each comparable has a full basement, one of which is partially finished with a recreation room. Each comparable has central air conditioning, two comparables each have either one or four fireplaces and two comparables have either a 1-car or a 2-car garage. The comparables sold from July 2017 to March 2018 for prices ranging from \$145,000 to \$185,000 or from \$70.20 to \$101.65 per square foot of living area, including land. After adjusting the comparables' sale prices for sales or financing concessions, date of sale/time, site, quality of construction, condition, room count, gross living area, rooms below grade, garage/carport, porch/patio/deck and fireplaces, when compared to the subject, the appraiser estimated the comparables would have adjusted sale prices ranging from \$155,900 to \$158,600 or from \$71.24 to \$94.14 per square foot of living area, including land. Based on these adjusted sale prices, the appraiser estimated that the subject would have a market value of \$156,000 as of January 1, 2019.

In addition, the appellants submitted a grid analysis with information on five comparable sales located from .09 of a mile to 2.2 miles from the subject property. The comparables have sites ranging in size from 4,000 to 10,024 square feet of land area that are improved with part 1-story and part 2-story dwellings of frame construction containing from 1,873 to 2,537 square feet of living area. The homes range in age from 93 to 123 years old. Each comparable has a partial or full basement, two of which are partially finished. Four comparables each have central air conditioning, and each comparable has a fireplace and a garage ranging in size from 200 to 780 square feet of building area. The comparables sold from May 2017 to April 2020 for prices ranging from \$103,332 to \$225,000 or from \$49.87 to \$93.57 per square foot of living area, including land.

Based on this evidence, the appellants requested that the subject's total assessment be reduced to \$51,995 to reflect the appraised value of \$156,000 at the statutory assessment rate of 33.33%.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$67,225. The subject's assessment reflects a market value of \$201,695 or \$114.60 per square foot of living area, land included, when using the 2021 three-year average median level of assessment for Kane County of 33.33% as determined by the Illinois Department of Revenue.

In support of its contention of the correct assessment, the board of review submitted information on six suggested comparable properties that are located from .36 to .58 of a mile from the subject. The comparables have sites ranging in size from 7,841 to 12,197 square feet of land area that are improved with part 1-story and part 2-story or 2-story dwellings of frame construction containing from 1,451 to 2,096 square feet of living area. The homes were built between 1892 to 1913. The comparables have basements, three of which are described as finished. Five comparables each have central air conditioning, one dwelling has a fireplace, and each comparable has a garage ranging in size from 320 to 736 square feet of building area. The comparables sold from July 2019 to November 2020 for prices ranging from \$200,000 to \$249,900 or from \$115.30 to \$146.11 per square foot of living area, including land.

The board of review's evidence included a letter from Elgin Township critiquing the appellants' appraisal and disclosing that the subject is not owner occupied but is occupied by tenants.

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 submitted an appraisal report in addition to five comparable sales and the board of review submitted six comparable sales in support of their respective positions before the Property Tax Appeal Board.

On this record, the Property Tax Appeal Board gave little weight to the value conclusion arrived by the appellants' appraiser based on the appraiser's report date of October 2019 and use of comparable sales from 2017 and 2018 which are dated given the January 1, 2021 assessment date at issue. Furthermore, the appraisal report states a value conclusion as of January 1, 2019 rather than as of the January 1, 2021 assessment date. Consequently, the Board finds that the appraiser's final conclusion of value is not a credible or reliable indicator of the subject's estimated market value as of January 1, 2021. The Board will, however, examine all sales in the record presented by the parties.

The record contains a total of fourteen comparables submitted by the parties in support of their respective positions before the Property Tax Appeal Board. The Board gave less weight to the three comparables contained in the appraisal report and the four comparables submitted by the appellants' counsel, along with board of review comparables #1, #2, and #3, as each of these comparables sold in 2019 or earlier and, thus, are less likely to be reflective of the subject's market value than the remaining comparables that sold more proximate to the January 1, 2021 assessment date at issue. The Board finds that on this record, the best evidence of market value is board of review comparables #4, #5, and #6 which not only sold proximate to the lien date but are similar to the subject in location, design, and some features. However, board of review

comparables #4 and #6 do not have a finished basement area which is a feature of the subject dwelling, and comparable #5 has an inground swimming pool, a feature that the subject lacks, suggesting that adjustments need to be made to the comparables in order to make them more equivalent to the subject. The best comparable sales in this record sold in September and November 2020 for prices ranging from \$218,000 to \$249,900 or from \$115.30 to \$146.11 per square foot of living area, land included. The subject's assessment reflects a market value of \$201,695 or \$114.60 per square foot of living area, land included, which is below the range established by the best comparables in the record both in terms of overall value and on a per square foot basis. After applying adjustments to the best comparables for differences from the subject, the Board finds that the subject's assessment as established by the board of review is supported and, therefore, no reduction is warranted.

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:

December 19, 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

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