



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

APPELLANT: Vijay Kumar, Sanjay & Sameer Gupta
DOCKET NO.: 21-05547.001-R-1
PARCEL NO.: 15-18-354-011

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 **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: \$12,077
IMPR.: \$59,474
TOTAL: \$71,551

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 split-level or bi-level dwelling of frame and brick exterior construction with 2,136 square feet of living area. The dwelling was constructed in 1974 and is approximately 47 years old. Features of the home include central air conditioning, a fireplace, and a 2-car 600 square foot garage. The property has a 12,632 square foot 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 submitted an appraisal estimating the subject property had a market value of \$180,000 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 reported the subject was in average condition for the market area.

Under the sales comparison approach, the appraiser selected four comparable sales located from 0.59 of a mile to 1.27 miles from the subject. The parcels range in size from 9,300 to 12,197 square feet of land area and are improved with split-level, bi-level, or 2-story homes ranging in size from 1,750 to 2,534 square feet of living area. The dwellings range in age from 19 to 58 years old. Each home has central air conditioning and a 2-car garage. One home has a fireplace. The comparables sold from March 2017 to October 2018 for prices ranging from \$170,000 to \$182,000 or from \$67.09 to \$104.00 per square foot of living area, including land. The appraiser made adjustments to the comparables for sale or financing concessions and/or differences from the subject to arrive at adjusted sale prices ranging from \$174,500 to \$180,000. Based on the foregoing, the appraiser concluded a value for the subject of \$180,000 as of January 1, 2019.

The appellants also indicated "recent sale" as the basis of the appeal. In support of this argument the appellants submitted a brief contending that the subject was transferred by Sheriff's Deed on March 26, 2018 for a price of \$165,000. In support of this sale, the appellants presented copies of the Sheriff's Deed, an Order Approving Sale by the Circuit Court of the 16th Judicial Circuit, Kane County, Geneva, Illinois in Case No. 16-CH-1057, and a City of Aurora Real Estate Transfer Declaration.

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 \$71,551. The subject's assessment reflects a market value of \$214,674 or \$100.50 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 comparable sales presented in two grid analyses,¹ together with maps depicting the locations of the comparables in relation to the subject. The comparables are located within 0.97 of a mile from the subject. The parcels range in size from 8,276 to 12,197 square feet of land area and are improved with split-level or raised ranch style homes ranging in size from 1,838 to 2,120 square feet of living area. The dwellings were built from 1968 to 1975. Each home has a garage that ranges in size from 380 to 552 square feet of building area or is a 1-car or a 2-car garage. Five homes each have central air conditioning and four homes each have a fireplace. Comparable #1 has an inground swimming pool. The comparables sold from October 2018 to December 2020 for prices ranging from \$220,000 to \$250,000 or from \$105.19 to \$136.02 per square foot of living area, including land.

The board of review also presented a grid analysis of two equity comparables, which the Board finds are not responsive to the appellants' overvaluation argument, and thus, shall not be further considered.

Based on this evidence, the board of review requested confirmation of the subject's assessment.

¹ The comparables shown as #1 through #4 on the second grid are renumbered as comparables #3 through #6 for ease of reference.

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 record contains an appraisal presented by the appellants, evidence of a March 2018 sale of the subject, and six comparable sales presented by the board of review for the Board's consideration.

As an initial matter, the Board gives less weight to the subject's March 2018 sale, which is more remote in time from the January 1, 2021 assessment date and is less likely to be indicative of market value as of the assessment date.

The Board also gives less weight to the appellants' appraisal as it states a value conclusion as of January 1, 2019, two years before the assessment date at issue in this appeal and relies on sales occurring in 2017 and 2018, which are more remote in time from the assessment date and less likely to be indicative of market value as of that date.

The Board finds the best evidence of market value to be the board of review comparables #2 and #6, which sold proximate in time to the assessment date and are similar to the subject in dwelling size, age, location, site size, and features. The Board gave less weight to the board of review's comparable #1, which has an inground swimming pool unlike the subject, and the board of review's comparables #3, #4, and #5, which sold less proximate in time to the assessment date than other comparables in this record. The two most similar comparables sold for prices of \$225,500 and \$250,000 or from \$112.86 and \$136.02 per square foot of living area, including land, respectively. The subject's assessment reflects a market value of \$214,674 or \$100.50 per square foot of living area, including land, which is below the two best comparable sales in the record. Based on this evidence, 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:

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

AGENCY

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