

05-0111
Locally Assessed Property Tax
Signed 08/02/2005

BEFORE THE UTAH STATE TAX COMMISSION

PETITIONER,)	INITIAL HEARING ORDER
)	
Petitioner,)	Appeal No. 05-0111
)	
v.)	Parcel No. #####
)	Tax Type: Property Tax/Locally
BOARD OF EQUALIZATION)	Assessed
OF SALT LAKE COUNTY,)	
STATE OF UTAH,)	Tax Year: 2004
)	
Respondent.)	Judge: Robinson

Presiding:

R. Spencer Robinson, Administrative Law Judge

Appearances:

For Petitioner: PETITIONER, *pro se*

For Respondent: RESPONDENT REPRESENTATIVE, Appraiser, Salt Lake
County

STATEMENT OF THE CASE

Petitioner appealed the decision of the Salt Lake County Board of Equalization valuing the above noted parcel. The parties participated in an Initial Hearing, pursuant to the provisions of Utah Code Ann. §59-2-501.5 on April 25, 2005.

APPLICABLE LAW

All tangible taxable property shall be assessed and taxed at a uniform and equal rate on the basis of its fair market value, as valued on January 1, unless otherwise provided by law. (Utah Code Sec. 59-2-103 (1).)

“Fair market value” means the amount at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of the relevant facts. (Utah Code Sec. 59-2-102(12).)

Any person dissatisfied with the decision of the county board of equalization concerning the assessment and equalization of any property, or the determination of any exemption in which the person has an interest, may appeal that decision to the commission by filing a notice of appeal specifying the grounds for the appeal with the county auditor within 30 days after the final action of the county board. (Utah Code Sec. 59-2-1006(1).)

Per the Utah Supreme Court, Petitioners' burden under Utah Power & Light Co. v. Utah State Tax Commission, 590 P.2d 332 (Utah 1979), is in two parts. "Where the taxpayer claims error, it has an obligation, not only to show substantial error or impropriety in the assessment but also to provide a sound evidentiary basis upon which the Commission could adopt a lower valuation." The Court reaffirmed this standard in Nelson v. Board of Equalization, 943 P.2d 1354 (Utah 1997).

DISCUSSION

The subject property is a single-family dwelling located at ADDRESS in CITY, Utah. It is a 28-year-old 4,935 square foot bi-level home in average condition. The upper floor consists of 2,526 square feet. The basement consists of 2,409 finished square feet. The lot is .86 acres in size. The Board of Equalization sustained a value of \$\$\$\$\$. Petitioner appeals that value, proposing a value of \$\$\$\$\$.

Petitioner did not submit an appraisal, though he did provide multiple listing information on four properties. The first is a 4,638 square foot rambler built in 1977. The lot is .87 acres. The remarks section of the listing states, “Almost land value! Beautiful acreage overlooking (X)! Fix this one!” The home was on the market for one year. It sold for \$\$\$\$\$ on February 12, 2004. If, as the listing asserts, all the value is in the land, it is of questionable value as a comparable.

Petitioner’s second property is a 4,480 square foot rambler built in 1979. The lot is 1.09 acres in size. It was listed on May 10, 2004 for \$\$\$\$\$. It sold on June 24, 2004 for \$\$\$\$\$. It was vacant and keyboxed. The short time it was on the market raises a question as to whether the seller was “motivated.”

Petitioner’s third property is a 4,133 square foot conventional two-story home built in 1977. The main floor is 1,465 square feet. The upper floor is 1,288 square feet. The basement is 1,380 square feet, and is 50 percent finished. The lot is .78 acres. It listed on June 30, 2003 for \$\$\$\$\$. It sold on April 2, 2004 for \$\$\$\$\$.

Petitioner’s fourth property is 5,769 square foot modern two-story built in 1978. The 1,880 square foot basement is 95 percent finished. The lot is .67 acres. The property listed on April 14, 2004 for \$\$\$\$\$. It sold on September 3, 2004 for \$\$\$\$\$.

Petitioner is not an appraiser. He initially made no adjustments to the properties in order to compare them to the subject property.

Respondent submitted an appraisal with three comparable properties from the same PUD where the subject is located. The appraisal was prepared in accordance with the Uniform Standards of Professional Appraisal Practice. Appropriate adjustments

were made for lot size, age, and other factors. Based on the analysis using the sales comparison approach, the appraisal set the value of the subject property at \$\$\$\$\$.

Following receipt of RESPONDENT REPRESENTATIVE'S appraisal, Petitioner submitted additional information that he said adjusted his comparables on the same basis used to adjust the comparables used by RESPONDENT REPRESENTATIVE. The average price, as he adjusted them, is \$\$\$\$\$. This is above the value Petitioner initially sought.

Petitioner adjusted for land size using increments of .01 acres. This is not in accordance with appraisal standards. Petitioner did not show his first property did not have its value primarily in the land.

Petitioner's evidence does not rise to the level of establishing a substantial error or impropriety in the assessment, nor does it provide a sound evidentiary basis upon which the Commission could adopt a lower valuation. Additionally, the Respondent's appraisal is persuasive as to the value of the subject property.

DECISION AND ORDER

The Respondent's appraisal uses comparables that are close to each other and are part of the same PUD as the subject. The Commission finds Respondent's appraisal reflects the proper value of the subject property.

Based on the foregoing, the Commission finds the value of the subject property is \$\$\$\$\$. The Salt Lake County Auditor is hereby ordered to adjust its value in accordance with this decision. It is so ordered.

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This Decision does not limit a party's right to a Formal Hearing. Any party to this case may file a written request within thirty (30) days of the date of this decision to proceed to a Formal Hearing. Such a request shall be mailed to the address listed below and must include the Petitioner's name, address, and appeal number:

Utah State Tax Commission
Appeals Division
210 North 1950 West
Salt Lake City, Utah 84134

Failure to request a Formal Hearing will preclude any further appeal rights in this matter.

DATED this _____ day of _____, 2005.

R. Spencer Robinson
Administrative Law Judge

Appeal No. 05-0111

BY ORDER OF THE UTAH STATE TAX COMMISSION.

The Commission has reviewed this case and the undersigned concur in this decision.

DATED this ____ day of _____, 2005.

Pam Hendrickson
Commission Chair

R. Bruce Johnson
Commissioner

Palmer DePaulis
Commissioner

Marc B. Johnson
Commissioner

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