

05-0746  
Locally Assessed Property Tax  
Signed 01/12/2006

BEFORE THE UTAH STATE TAX COMMISSION

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PETITIONER,	)	<b>INITIAL HEARING ORDER</b>
	)	
Petitioner,	)	Appeal No.    05-0746
	)	Parcel No.    #####
v.	)	
	)	Tax Type:    Property Tax/Locally Assessed
BOARD OF EQUALIZATION OF	)	
SALT LAKE COUNTY,	)	Tax Year:    2004
UTAH,	)	
	)	Judge:       Phan
Respondent.	)	

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**This Order may contain confidential “commercial information” within the meaning of Utah Code Sec. 59-1-404, and is subject to disclosure restrictions as set out in that section and regulation pursuant to Utah Admin. Rule R861-1A-37. The rule prohibits the parties from disclosing commercial information obtained from the opposing party to nonparties, outside of the hearing process. However, pursuant to Utah Admin. Rule R861-1A-37 the Tax Commission may publish this decision, in its entirety, unless the property taxpayer responds in writing to the Commission, within 30 days of this order, specifying the commercial information that the taxpayer wants protected. The taxpayer must mail the response to the address listed near the end of this decision.**

**Presiding:**

Jane Phan, Administrative Law Judge

**Appearances:**

For Petitioner:    PETITIONER REPRESENTATIVE  
For Respondent:    RESPONDENT REPRESENTATIVE, Appraiser, Salt Lake County

STATEMENT OF THE CASE

Petitioner brings this appeal from the decision of the County Board of Equalization. This matter was argued in an Initial Hearing on November 28, 2005. Petitioner is appealing the assessed value as established for the subject property by Salt Lake County Board of Equalization. The subject property is parcel no. ##### and is located at ADDRESS, CITY, Utah. The lien date at issue in this matter is January 1, 2004. The Salt Lake County Board of

Equalization had originally set the value of the subject property, as of the lien date at \$\$\$\$\$. The Salt Lake County Board of Equalization reduced the value to \$\$\$\$\$.

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 provide by law. (Utah Code Ann. 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 Ann. 59-2-102(11).)

(1) 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. . . . (4) In reviewing the county board’s decision, the commission shall adjust property valuations to reflect a value equalized with the assessed value of other comparable properties if: (a) the issue of equalization of property values is raised; and (b) the commission determines that the property that is the subject of the appeal deviates in value plus or minus 5% from the assessed value of comparable properties. (Utah Code Ann. Sec. 59-2-1006(1)&(4).)

To prevail in a real property tax dispute, the Petitioner must (1) demonstrate that the County's original assessment contained error, and (2) provide the Commission with a sound evidentiary basis for reducing the original valuation to the amount proposed by Petitioner. *Nelson V. Bd. Of Equalization of Salt Lake County*, 943 P.2d 1354 (Utah 1997).

DISCUSSION

The subject property consist of .25-acres of land improved with a side-by-side ranch style duplex. The duplex was 52 years old and in average to good condition. It has a total of 2,154 square feet, all of which is above grade. Each unit has two bedrooms and one bathroom. Additionally there is a 2 car garage on the property. The subject property is located in a the ( X ) neighborhood which historically has been a high demand area.

Petitioner requests that the fair market value of the property be reduced to \$\$\$\$\$. This was based on an appraisal for the property that had been prepared in May 2003. Petitioner's representative indicates that they had an unsolicited offer to purchase the residence for \$\$\$\$\$ subject to an appraisal for that amount. The appraisal, however, indicated the value was only \$\$\$\$\$ and for that reason the sale fell through.

In considering the appraisal submitted by Petitioner it had been prepared by APPRAISER, State Certified Appraiser. APPRAISER considered an income approach, a cost approach and a sales approach. As APPRAISER had prepared the appraisal in May 2003, he had considered sales that occurred late in 2002 or early 2003. On the sales comparables he found comparables that were south of ( X ), which is a different neighborhood from that of the subject property. Additionally, he relied on some up-and-down style duplexes, where one unit is below grade. All of the subject rentable area is above grade.

Respondent submitted an appraisal prepared by RESPONDENT REPRESENTATIVE, State Licensed Appraiser. It was RESPONDENT REPRESENTATIVE'S conclusion that the value for the subject property was \$\$\$\$\$. However, he offered the appraisal only in support of the value set by the County Board of Equalization and not for the purpose of raising the value. RESPONDENT REPRESENTATIVE also considered an income, cost and sales approach. He indicated that he tried to compare the subject with side-by-side duplexes and

considered that the subject building was all above grade. At least two of the sales occurred closer to the lien date at issue.

Upon reviewing the information presented in this matter, both appraisals submitted are within less than 10% of the value set by the County Board of Equalization and supportive of that value. The value set by the County Board of Equalization has the presumption of correctness and Petitioner has the burden of proving that it is in error or and providing a sound evidentiary basis to support a lower value. For the reasons indicated above the weight of the evidence simply does not support lowering the value to that set in Petitioner's appraisal.

DECISION AND ORDER

Based upon the foregoing, the Tax Commission finds that the value of the subject property as of January 1, 2004, is \$\$\$\$\$. 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 \_\_\_\_\_, 2006.

\_\_\_\_\_  
Jane Phan  
Administrative Law Judge

BY ORDER OF THE UTAH STATE TAX COMMISSION.

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

DATED this \_\_\_\_ day of \_\_\_\_\_, 2006.

Pam Hendrickson  
Commission Chair

R. Bruce Johnson  
Commissioner

Palmer DePaulis  
Commissioner

Marc B. Johnson  
Commissioner