

06-0119
Locally Assessed Property
Signed 12/05/2006

BEFORE THE UTAH STATE TAX COMMISSION

PETITIONER 1 & PETITIONER 2,	)	ORDER	
)		
Petitioner,	)	Appeal No.	06-0119
	)	Parcel No.	#####
v.)		
	)	Tax Type:	Property Tax/Locally
	)		Assessed
BOARD OF EQUALIZATION OF)		
SALT LAKE COUNTY,	)	Tax Year:	2005
UTAH,)		
	)	Judge:	Jensen
Respondent.)		

Presiding:

Clinton Jensen, Administrative Law Judge

Appearances:

For Petitioner: PETITIONER 1
 PETITIONER 2

For Respondent: RESPONDENT REPRESENTATIVE, from the Salt Lake County
 Assessor's Office

STATEMENT OF THE CASE

Petitioner brings this appeal from the decision of the Salt Lake County Board of Equalization. This matter was argued in an Initial Hearing on June 1, 2006 pursuant to the provisions of Utah Code Ann. §59-1-502.5.

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).)

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 Ann. Sec. 59-2-1006(1).)

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

Petitioner is appealing the market value of the subject property as set by Respondent for property tax purposes. The lien date at issue in this matter is January 1, 2005. The subject property is parcel no. #####, located at ADDRESS in CITY, Utah. The County Assessor had set the value of the subject property, as of the lien date at \$\$\$\$\$. The County Board of Equalization sustained the value. In the Petitioner's original documents, the Petitioner requested that the value be reduced to \$\$\$\$\$. At hearing, the Petitioner indicated that the subject property was worth between \$\$\$\$\$ and \$\$\$\$\$ as of the lien date. Respondent submitted an appraisal for the subject property at \$\$\$\$\$ as of the lien date, but requests that the value set by the County Board of Equalization be sustained rather than raising the valuation to \$\$\$\$\$.

The subject property consists of a .18-acre lot improved with a ranch style residence. The residence was approximately 43 years old and built of average quality of

construction. It has 1,359 square feet above grade and 1,350 basement square feet of which 1,053 are finished. There is also a detached two-car garage. The County considered the residence to be in good condition. The kitchen has been remodeled and the county's appraiser noted that the home had been maintained and needed no repairs. The Petitioner agreed with the county's size representations but noted that the subject property had problems, including a bad driveway, floor coverings in poor condition, and had an unusable fireplace because the chimney needed to be repaired.

Petitioner has the burden of proof in this matter and must demonstrate not only an error in the valuation set by the County Board of Equalization, but also provide an evidentiary basis to support a new value. In this matter Petitioner provided information on four comparable sales dated in late 2004 and early 2005. The Petitioner's comparable sales were all south of STREEET, a major east-west street, which appears to divide neighborhoods in the area.

All of the properties offered as comparable properties had smaller homes than the subject property but had similar home styles and ages. The selling prices of the Petitioner's comparable properties ranged from \$\$\$\$\$ to \$\$\$\$\$, before adjustment for differences in various factors such as size and basement finish.

Respondent provided an appraisal, prepared by RESPONDENT REPRESENTATIVE. It was the appraiser's conclusion that the value for the subject property as of the lien date at issue was \$\$\$\$\$. The county's appraiser considered six comparable properties, all within a quarter mile of the subject property and all north of STREEET and therefore within the same neighborhood as the subject property. Sale dates of the county's comparable sales were all in 2004, although some had to be adjusted for time of sale because some of the sales were as early as March 2004. The county's appraiser make what appear to be appropriate adjustments for differences in factors such as home size and basement finish. After

adjustments to account for differences between the comparable sales and the subject property, the county's comparable properties had values between \$\$\$\$ and \$\$\$\$.

The Commission finds that, particularly for an area such as the one in which the subject property is located, it is important to look at sales of comparable properties as close as possible to the subject property. For this reason, the Commission finds the county's comparable sales, all within the same neighborhood as the subject property, to be more persuasive than the Petitioner's comparable sales, all of which are on the other side of a major arterial street in the area. On that basis, the Commission sustains the \$\$\$\$ value established by the Salt Lake County Board of Equalization.

DECISION AND ORDER

Based upon the foregoing, the Tax Commission finds that the value of the subject property as of January 1, 2005 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.

Clinton Jensen
Administrative Law Judge

Appeal No. 06-0119

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

Marc B. Johnson
Commissioner

D'Arcy Dixon Pignanelli
Commissioner

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