

06-1530
Property Tax/Locally Assessed
Signed 08/17/2007

BEFORE THE UTAH STATE TAX COMMISSION

<p>PETITIONER,</p> <p>Petitioner,</p> <p>vs.</p> <p>BOARD OF EQUALIZATION OF SALT LAKE COUNTY, UTAH,</p> <p>Respondent.</p>	<p>ORDER</p> <p>Appeal No. 06-1530</p> <p>Parcel No. #####</p> <p>Tax Type: Property Tax/Locally Assessed</p> <p>Tax Year: 2006</p> <p>Judge: Jensen</p>
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Presiding:

Clinton Jensen, Administrative Law Judge

Appearances:

For Petitioner: PETITIONER

For Respondent: RESPONDENT REPRESENTATIVE, Appraiser, Salt Lake Co.
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 May 21, 2007. 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, 2006.

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).)

Utah Code Ann. §59-2-1006(1) provides that “[a]ny 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”

Any party requesting a value different from the value established by the county board of equalization has the burden to establish that the market value of the subject property is other than the value determined by the county board of equalization.

To prevail, a party requesting a value that is different from that determined by the county board of equalization must (1) demonstrate that the value established by the county board of equalization contained error, and (2) provide the Commission with a sound evidentiary basis for reducing the value established by the county board of equalization to the amount proposed by the party. *Nelson v. Bd. Of Equalization of Salt Lake County*, 943 P.2d 1354 (Utah 1997), *Utah Power & Light Co. v. Utah State Tax Commission*, 530 P.2d. 332 (Utah 1979).

DISCUSSION

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. Petitioner requests that the value be reduced to \$\$\$\$\$. Respondent requests that the value set by the County Board of Equalization be reduced to \$\$\$\$\$.

The subject property consists of a .24-acre lot improved with a rambler style residence. The residence was 49 years old and built of average quality of construction. It has 1,196 square feet above grade and no basement. There is an attached one-car garage. The County considered the residence to be in average condition.

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 evidence of the sales of five comparable properties with sale dates from August 2005 to April 2006. These comparable sales had between 1,170 and 1,544 square feet above grade. Two had basements and three did not. Two of the petitioner’s comparables were less than a half of a mile from the subject (.21 and .37 of a mile) and the other three were .58 of a mile, .93 of a mile, and 1.35 miles from the subject. After making adjustment for seller concessions, the selling prices of these five comparable properties were from \$\$\$\$\$ to \$\$\$\$\$.

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 relied on the sales of four comparable sales with sale dates from June 2005 to May 2006. The square footage of the county's comparables was from 1,100 to 1,300 square feet. None had a basement. The distance from the subject to the county's comparable sales was from a fourth of a block to three blocks. The appraiser made adjustments for differences in factors such as square footage, time of sale, garage, and air conditioning. After taking these differences into account, the adjusted selling prices of the county's comparable sales ranged between \$\$\$\$\$ and \$\$\$\$\$. The county comparable a quarter of a block from the subject was on the same street as the subject and had identical square feet as the subject. The only adjustments to value were for time of sale and a difference in type of air conditioning. This comparable sale had an adjusted selling price of \$\$\$\$\$.

At the hearing, the county's appraiser indicated that he had neglected to make an adjustment for a flat roof on one of its comparable sales and that the adjusted value of this comparable should have been closer to \$\$\$\$\$. The county's appraiser also pointed out that some of Petitioner's comparable sales had flat roofs and that a property otherwise similar to the subject but with a flat roof would be worth \$\$\$\$\$ less than a house with a pitched roof as is on the subject.

Weighing the evidence before it, the Commission finds the comparable sales presented by the county to be more persuasive than those presented by Petitioner. The county's comparable sales are generally closer to the subject than those presented by Petitioner. The county's comparable sale on the same street as the subject is a strong indicator of value. Petitioner's two comparable sales closest to the subject have values of \$\$\$\$\$ and \$\$\$\$\$. These values, as well as the evidence presented by the county, support the county's requested \$\$\$\$\$ valuation.

DECISION AND ORDER

Based upon the foregoing, the Tax Commission finds that the value of the subject property as of January 1, 2006 is \$\$\$\$\$. The Salt Lake County Auditor is ordered to adjust its records in accordance with this decision.

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

Appeal No. Appeal No. 06-1530

Salt Lake City, Utah 84134

Appeal No. Appeal No. 06-1530

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

DATED this ____ day of _____, 2007.

Clinton Jensen
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 _____, 2007.

Pam Hendrickson
Commission Chair

R. Bruce Johnson
Commissioner

Marc B. Johnson
Commissioner

D'Arcy Dixon Pignanelli
Commissioner

CDJ/0.resprop.int