

06-1673
Property Tax, Locally Assessed
Signed 09/17/2007

BEFORE THE UTAH STATE TAX COMMISSION

PETITIONER,

Petitioner,

vs.

BOARD OF EQUALIZATION
OF SALT LAKE COUNTY,
STATE OF UTAH,

Respondent.

ORDER

Appeal No. 06-1673

Tax Type: Property Tax, Locally Assessed

Tax Period: 2006

Parcel No. #####

Judge: Robinson

Presiding:

R. Spencer Robinson, Administrative Law Judge

Appearances:

For Petitioner: PETITIONER, *pro se*

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

STATEMENT OF THE CASE

This matter came before the Commission for an Initial Hearing pursuant to the provisions of Utah Code Ann. §59-1-502.5, on May 31, 2007. The subject property is a single-family residence in CITY, Salt Lake County, Utah. The property was originally assessed at \$\$\$\$\$. The Salt Lake County Board of Equalization (BOE) sustained that value. The Petitioner appeals that decision to the Commission, requesting a value of \$\$\$\$\$.

APPLICABLE LAW

1. The Tax Commission is required to oversee the just administration of property taxes to ensure that property is valued for tax purposes according to fair market value. Utah Code Ann. §59-1-210(7).

2. 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 Tax Commission. In reviewing the county board's decision, the Commission may admit additional evidence, issue orders that it considers to be just and

proper, and make any correction or change in the assessment or order of the county board of equalization. Utah Code Ann. §59-2-1006(3).

3. Petitioner has the burden to establish that the market value of the subject property is other than the value determined by Respondent.

4. To prevail, 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), *Utah Power & Light Co. v. Utah State Tax Commission*, 530 P.2d. 332 (Utah 1979).

ANALYSIS AND DISCUSSION

PETITIONER submitted an appraisal to the BOE prepared by APPRAISER, a licensed appraiser, on March 6, 2006. APPRAISER prepared his appraisal in connection with PETITIONER'S efforts to refinance. PETITIONER asked that APPRAISER'S appraisal, which she submitted to the BOE, be considered. RESPONDENT REPRESENTATIVE did not object.

Petitioner's property is a two-story Tudor home with 2,356 square feet of above grade living space and a 1,473 square foot basement, 80% of which is finished. It has four bedrooms and 2.75 bathrooms. The lot is .18 acres in size. The address is ADDRESS in CITY. It is across from (X).

APPRAISER'S appraisal included four comparables. Three were not on STREET. Comparable number four was on STREET. It is seven blocks north of the subject. APPRAISER said of it,

The additional comparable is only included due to the lender request to have a sale on STREET. This sale is not comparable to the subject as it is inferior to the subject in size, appeal, and quality. This sale was not used as it has more and greater adjustments than the 3 comparables used in the appraisal. This sale is also located in an inferior area as it is not located across from (X). Note that this is the only sale on STREET that was found remotely similar to the subject.

The other three comparables in APPRAISER'S appraisal are not on STREET. Two are four blocks northeast of the subject. One is nine blocks southwest of the subject. Comparables one and three are bungalows. APPRAISER adjusted them to \$\$\$\$\$ and \$\$\$\$\$, respectively. Comparable two is a two-story. APPRAISER adjusted it to \$\$\$\$\$. Based on the three comparables, APPRAISER valued the subject at \$\$\$\$\$. Though he did not use it for the reasons stated above, APPRAISER adjusted his comparable number four to \$\$\$\$\$.

Petitioner is required to demonstrate error in the County's original assessment, and to provide a sound basis for his proposed value. APPRAISER'S appraisal, submitted by PETITIONER, does both. It

establishes the BOE set the value of the subject property too high. It supports a lower value of \$\$\$\$\$. It does not support the value sought by PETITIONER, \$\$\$\$\$.

Respondent submitted an appraisal prepared by RESPONDENT REPRESENTATIVE, a licensed appraiser. RESPONDENT REPRESENTATIVE used five comparables, one of which, comparable three, is on STREET.

RESPONDENT REPRESENTATIVE'S comparables had adjusted values from \$\$\$\$\$ (his comparable three) to \$\$\$\$\$. RESPONDENT REPRESENTATIVE'S comparable three is approximately two blocks north of the subject. It also is across the street from (X). The others are within a few blocks of the subject. RESPONDENT REPRESENTATIVE made a downward adjustment of \$\$\$\$\$ on his comparables one, two, and five for location. He made no location adjustment for comparables three or four.

PETITIONER felt RESPONDENT REPRESENTATIVE'S comparable three was the best comparable. It is the only one of RESPONDENT REPRESENTATIVE'S on STREET.

RESPONDENT REPRESENTATIVE'S comparable three is a single story home, as opposed to a two-story. It is smaller than the subject by almost 1000 square feet. Its basement is almost 500 square feet smaller and is only 50% finished. It has one less fireplace. RESPONDENT REPRESENTATIVE made adjustment for these factors.

RESPONDENT REPRESENTATIVE'S comparable three has two fewer bedrooms and 1.75 fewer bathrooms than the subject. His appraisal does not note an adjustment for this difference. He did make adjustments in this regard on his other comparables. An additional adjustment of \$\$\$\$\$ for this difference would bring RESPONDENT REPRESENTATIVE'S adjusted value of comparable three to \$\$\$\$\$. This is consistent with RESPONDENT REPRESENTATIVE'S overall valuation of the subject at \$\$\$\$\$.

DECISION AND ORDER

Based on the evidence presented, the Commission finds the value of the subject property is \$\$\$\$\$. It is so ordered.

This decision does not limit a party's right to a Formal Hearing. However, this Decision and Order will become the Final Decision and Order of the Commission unless any party to this case files 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:

Appeal No. 06-1673

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 _____, 2007.

R. Spencer Robinson
Administrative Law Judge

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 _____, 2007.

Pam Hendrickson
Commission Chair

R. Bruce Johnson
Commissioner

Marc B. Johnson
Commissioner

D'Arcy Dixon Pignanelli
Commissioner

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