

07-0176
Property Tax/Locally Assessed
Signed 09/13/2007

BEFORE THE UTAH STATE TAX COMMISSION

<p>PETITIONER 1 & PETITIONER 2, Petitioner, vs. BOARD OF EQUALIZATION OF SALT LAKE COUNTY, UTAH, Respondent.</p>	<p>ORDER Appeal No. 07-0176 Parcel No. ##### Tax Type: Property Tax/Locally Assessed Tax Year: 2006 Judge: Jensen</p>
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Presiding:

Clinton Jensen, Administrative Law Judge

Appearances:

For Petitioner: PETITIONER 1

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 19, 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 sustained.

The subject property consists of a .22-acre lot improved with a bi-level style residence. The residence was 32 years old and built of good quality of construction. It has 1,882 square feet above grade and a basement of 1,064 square feet of which 958 are finished. There is also a built-in 2-car garage. The County considered the residence to be in average to good 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 three comparable properties with selling dates from October 2005 to May 2006. The lot sizes of the three comparables were .13 of an acre, .15 of an acre, and .22 of an acre. Petitioner’s data did not provide basement and above-grade square footage, but from the home styles, the parties surmised that a comparable sale with 3,160 total square feet had 1,580 square feet above grade and 1,580 square feet of basement, a comparable sale with 2,738 total square feet had 1,369 square feet above grade and 1,369 square feet of basement, and that a comparable sale with 2,678 total square feet had 1,339 square feet above grade and 1,339 square feet of basement.

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 appraiser relied on five comparable sales with sale dates from May 2005 to March 2006. All of the county's comparable sales were close to the subject. Some of the county's comparable sales had lot and home sizes bigger or smaller than the subject. The appraiser had made adjustments to compensate for differences in factors such as lot size, home size, and time of sale. After taking these differences into account, the county's comparable sales had adjusted selling prices from \$\$\$\$\$ to \$\$\$\$\$.

Reviewing the information submitted, the Commission concludes that Petitioner's evidence does not indicate error in the county board of equalization value of \$\$\$\$\$. Two of Petitioner's comparable sales have a smaller lot than the subject. All had a smaller home than the subject. As such, they do not have sufficient similarity to the subject to overcome the presumption created by statute that the board of equalization value is correct unless shown to be incorrect.

DECISION AND ORDER

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

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 _____, 2007.

Clinton Jensen
Administrative Law Judge

Appeal No. 07-0176

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

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