BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF W. MICHAEL AND SANDY C. CONNER from the decision of the Board of Equalization of Valley County for tax year 2007.	))))	APPEAL NO. 07-A-2639 FINAL DECISION AND ORDER

RESIDENTIAL PROPERTY APPEAL

THIS MATTER was conducted "On the Record" - in writing. Board Members Lyle R. Cobbs, David E. Kinghorn and Linda S. Pike participated in this decision. Appellants W. Michael and Sandy C. Conner submitted information for consideration. Respondent Valley County also submitted information for consideration. This appeal is taken from a decision of the Valley County Board of Equalization denying the protest of the valuation for taxing purposes of property described as Parcel No. RPM00000096940A.

The issue on appeal is the market value of a residential property.

The decision of the Valley County Board of Equalization is affirmed.

FINDINGS OF FACT

The assessed land value is $114,990, and the improvements' valuation is $99,130, totaling $214,120. Appellant requests the total assessed value be reduced to $150,000.

The subject property is 0.172 acres improved with a 1,120 square foot, fair grade home built in 1976 and located in McCall, Idaho.

Appellants asserted the assessed value of subject for tax year 2007 was too high. According to Taxpayers, the assessed value did not reflect true market value, given the soft real estate market and age of subject.

On January 1, 2007 Appellants placed subject on the market for sale. The original asking price was $289,000, which was lowered to $260,000 on March 5, 2007. It was lowered again on June 18, 2007 to $229,500. On July 8, 2007 the property was removed from the market,

having received no offers. Further, Taxpayers stated subject could not even be rented out for five months due to the slump in the market and the drastic reduction in property values.

Appellants provided five (5) 2006 improved property sales. The sale prices ranged between $150,000 and $186,000. The lots ranged in size from 0.12 to 0.50 acres with residences between 801 and 2,400 square feet. Taxpayers asserted the property that sold for $150,000 was the closest in age to subject. This property consisted of 0.37 acres with a residential area between 2,201 and 2,400 square feet. It was identified as target housing, though with the basement square footage added, it was about twice the size of subject.

The Assessor stated the valuation of subject was fair. The assessed value of $214,120 was lower than was the last asking price for subject, $229,500.

The County submitted five (5) sale properties to support the assessed value of subject. These properties ranged in price between $230,000 and $299,000. The size of the improvements ranged between 660 and 1,224 square feet. The sale prices were compared to their assessed values which indicated an assessment level or ratio of 83.2%.

The Assessor wrote the sales properties presented by Appellants were unusable due to the fact the properties were all 2007 sales. It was noted they will be used in the 2008 assessment. Additionally, all but two of the residences were of a different grade than subject, and therefore not comparable.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Idaho Code Section 63-208. Rules pertaining to market value – Duty of Assessor. Rules promulgated by the State Tax Commission shall require each assessor to find market value for assessment purposes.

Idaho Code Section 63-201(10) defines market value:

> "Market Value" means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

In determining market value for tax assessments Idaho Code § 63-205(1) states:

> All real, personal and operating property subject to property taxation must be assessed annually at market value for assessment purposes as of 12:01 a.m. of the first day in the year in which such property taxes are levied, except as otherwise provided.

Appellant maintained the assessment was not accurate and presented five (5) sale properties in support of the requested value reduction. These sales occurred after the statutory lien date and cannot be considered in this appeal. They would, however, be good evidence of market value for the 2008 assessment.

Respondent offered five (5) 2006 sales to establish subject's assessed value. A comparison of 2006 sale prices to subject's assessed value demonstrates Respondent's assessment of subject was reasonable. Furthermore, subject was on the market with an asking price of $229,500. The current assessed value of $214,120 is lower than Appellant's asking price.

This Board finds the County Assessor did consider all known value factors which affected the subject property.

Idaho Code Section 63-511(4). Appeals from county board of equalization.

> In any appeal taken to the board of tax appeals or the district court pursuant to this section, the burden of proof shall fall upon the party seeking affirmative relief to establish that the valuation from which the appeal is taken is erroneous, or that the board of equalization erred in its decision regarding a claim that certain property is exempt from taxation, the value thereof, or any other relief sought before the board of equalization. *A preponderance of the evidence shall suffice to sustain the burden of proof.*

This Board finds Appellants did not prove by a preponderance of evidence that relief was warranted. Therefore, this Board finds for Valley County and will affirm the decision of the Board of Equalization.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Valley County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

MAILED APRIL 30, 2008