

BEFORE THE IDAHO BOARD OF TAX APPEALS

G. MARK BOWDEN,	)	
	)	
Appellant,	)	APPEAL NO. 14-A-1124
	)	
v.	)	FINAL DECISION
	)	AND ORDER
ADA COUNTY,	)	
	)	
Respondent.	)	
_____	)	

**RESIDENTIAL PROPERTY APPEAL**

This appeal is taken from a decision of the Ada County Board of Equalization denying the protest of valuation for taxing purposes of property described by Parcel No. R3626170470. The appeal concerns the 2014 tax year.

This matter came on for hearing November 12, 2014 in Boise, Idaho before Hearing Officer Cindy Pollock. Appellant G. Mark Bowden was self-represented. Chief Deputy Assessor Tim Tallman represented Respondent.

Board Members David Kinghorn, Linda Pike and Leland Heinrich participated in this decision.

**The issue on appeal concerns the market value of an improved residential property.**

**The decision of the Ada County Board of Equalization is affirmed.**

FINDINGS OF FACT

The assessed land value is \$105,000, and the improvements' valuation is \$489,300, totaling \$594,300. Appellant contends the improvements' value is \$400,000, with no change to land value.

The subject property is a 4,041 square foot residence situated on a 1.085 acre lot in the Hillsdale Estates subdivision in Star, Idaho with an excellent view of the valley. The

single-level residence, constructed in 2005, includes four (4) bedrooms and four and one-half (4 ½) bathrooms. Other improvements include a 843 square foot attached garage, a 191 square foot covered patio, and an 800 square foot swimming pool.

Appellant testified subject's assessed value increased an average of 25% for the past two (2) years. Appellant stated no properties, similar in quality and size of improvements, have sold in subjects subdivision for over \$500,000 in the last several years.

Appellant provided Multiple Listing Service (MLS) data sheets for nine (9) improved residential properties in subject's general neighborhood. Appellant's Sales Nos. 1 through 8 occurred in 2014 while Sale No. 9 occurred in 2012. Sale No. 9 was a five (5) bedroom, six (6) bathroom, 6,685 square foot, single-level residence situated on a 1.07 acre lot which sold for \$760,000. The property was exposed to the market for 50 days prior to selling.

Respondent explained in 2014 assessments increased from 8%-27%, and on average 15.98%. Respondent stated subject did see a higher increase than most based on its superior quality of construction and lot view.

In support of subject's assessed value, Respondent referenced six (6) 2013 improved residential sales located in close proximity to subject. The sale properties were described as being generally similar to subject, however, only Respondent's Sale No. 1 held the same "6 AVG" construction class as the subject. An appraisal worksheet compared differences between subject and the six (6) sales. After adjustments for time of sale, square footage, bathroom count, deck and patio area, garage size, location,

effective age, and swimming pool, the indicated value for subject ranged from \$518,536 to \$703,698, or between \$128 and \$174 per square foot. The net adjustments to each sale fell between .4% and 11%. Subject is assessed at \$147 per square foot.

#### 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, or as applicable exempt status. 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 § 63-205 requires taxable property be assessed at market value annually on January 1; January 1, 2014 in this case. Market value is defined in Idaho Code § 63-201, as,

“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.

Market value is estimated according to recognized appraisal methods and techniques. There are three (3) approaches to value, the sales comparison approach, the cost approach, and the income approach. *Merris v. Ada County*, 100 Idaho 59, 63, 593 P.2d 394, 398 (1979).

An important aspect of a sales comparison analysis is the consideration of timely sales of similar property. Timely sales are generally those which occur prior to, but near

the effective date of valuation; January 1, 2014 in the present case.

Eight (8) of the sales presented by Appellant occurred after January 1, and therefore were excluded from the Board's analysis. While occurring before January 1, 2014, Sale No. 9 closed more than one (1) year prior to the valuation date. In the Board's view, sales information from 2012 is somewhat stale for purposes of establishing subject's January 1, 2014 market value. As such, relatively less weight was afforded this older sale.

Of the six (6) 2013 sales included in Respondent's valuation, primary consideration was given to Sale Nos. 1, 2 and 4, which represented the three (3) sales most similar to the subject. The Board will likewise focus on these sales. These sales were located within three (3) miles of the subject property. Respondent made adjustments for physical differences between the sale properties and subject resulting in adjusted sale prices between \$560,926 and \$703,698, or between \$139 and \$174 per square foot. Given this evidence, subject's assessed value of \$594,300, or \$147 per square foot appears reasonable.

In appeals to this Board, the burden is with the Appellant to establish error in subjects assessed valuation by a preponderance of the evidence. Idaho Code § 63-511. The burden of proof was not satisfied in this instance. Respondent's sales information and accompanying appraisal analysis was found to be the best evidence of subject's current market value. Overall, subject's assessed value was well-supported. Therefore, the decision of the Ada County Board of Equalization is affirmed.

FINAL ORDER

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

DATED this 17<sup>th</sup> day of March, 2015.