

BEFORE THE IDAHO BOARD OF TAX APPEALS

WALTER KIMBROUGH,	)	
	)	
Appellant,	)	APPEAL NO. 15-A-1178
	)	
v.	)	FINAL DECISION
	)	AND ORDER
CANYON COUNTY,	)	
	)	
Respondent.	)	
_____	)	

**RESIDENTIAL PROPERTY APPEAL**

This appeal is taken from a decision of the Canyon County Board of Equalization denying the protest of valuation for taxing purposes of property described by Parcel No. 323492300. The appeal concerns the 2015 tax year.

This matter came on for hearing November 10, 2015 in Caldwell, Idaho before Board Member Leland Heinrich. Appellant Walter Kimbrough was self-represented. Brian Stender 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 Canyon County Board of Equalization is affirmed.**

FINDINGS OF FACT

The assessed land value is \$20,500, and the improvements' value is \$100,300, totaling \$120,800. Appellant contends the correct land value is \$19,500, and the improvements' value is \$92,600, totaling \$112,100.

The subject property is a .18 acre residential parcel located in the Canyon Meadows subdivision in Nampa, Idaho. The property is improved with a three (3) bedroom, two (2)

bathroom single-level 1,416 square foot residence constructed in 2001. The property is further improved with an attached two (2) car garage.

Appellant submitted information for seven (7) sales which closed during 2014. The sale residences were similar to subject in terms of bedroom and bathroom count, and overall design, however, the residences were mostly older than subject and roughly 300 square feet smaller. Sale prices ranged from \$87,000 to \$106,400, or an average of approximately \$94,000.

Respondent focused on three (3) sales from 2014 for comparison with subject. The sale residences matched subject's bedroom and bathroom count and were within a few square feet of subject's size. The sale residences were also similar in terms of age and lot size. Though not from subject's development, the sale properties were located in subdivisions regarded by Respondent as similar in amenities and general quality. Respondent noted Sale No. 1, which sold for \$124,900, involved a residence with the exact same floor plan as subject. The remaining two (2) properties sold for \$120,000 and \$124,000. Subject was assessed for \$120,800.

#### 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, 2015 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.

The three (3) primary methods of determining market value include the cost approach, the income approach, and the sales comparison approach. *Merris v. Ada County*, 100 Idaho 59, 63, 593 P.2d 394, 398 (1979). The latter approach is commonly used to estimate the market value of residential property.

Both parties offered information concerning recent sales. While the Board appreciated the sales data, there were questions regarding the comparability of Appellant’s sales. First, each of the sale residences were several hundred square feet smaller than subject. In addition, most of the sale residences were notably older than subject. Differences between properties is typical in appraisal, however, adjustments need to be made for differences which affect value. Appellant’s analysis did not include adjustments nor otherwise account for differences compared to subject. As a result, the Board had difficulty making comparisons between these sale properties and subject.

Respondent likewise did not make adjustments to its sales, however, adjustments were not indicated where the sale properties were highly similar to subject in most key aspects. The sales involved properties located in different subdivisions, however,

Respondent characterized the competing subdivisions as comparable to subject's, and nothing in the record suggested otherwise. Sale prices were tightly grouped between \$120,000 and \$124,900, which compares favorably with subject's total value of \$120,800. Overall, the Board found Respondent's sales represented the best indicators of subject's current value.

Idaho Code § 63-511 requires Appellant prove error in subject's assessed value by a preponderance of the evidence. Given the record in this matter, the Board finds the burden of proof was not satisfied. Accordingly, the decision of the Canyon County Board of Equalization is affirmed.

#### FINAL ORDER

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

DATED this 29<sup>th</sup> day of January, 2016.