

BEFORE THE IDAHO BOARD OF TAX APPEALS

JAMES THOMAS,)	
)	
Appellant,)	APPEAL NO. 14-A-1099
)	
v.)	FINAL DECISION
)	AND ORDER
BINGHAM COUNTY,)	
)	
Respondent.)	
)	
_____)	

RESIDENTIAL PROPERTY APPEAL

This appeal is taken from a decision of the Bingham County Board of Equalization denying the protest of valuation for taxing purposes of property described by Parcel No. RP7022600. The appeal concerns the 2014 tax year.

This matter came on for hearing October 1, 2014 in Blackfoot, Idaho before Board Member David Kinghorn. Appellant James Thomas was self-represented. Bingham County Deputy Prosecutor Chase Hendricks 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 parcel.

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

FINDINGS OF FACT

The assessed land value is \$11,800, and the improvements' valuation is \$15,500, totaling \$27,300. Appellant contends the correct total value is \$12,000.

The subject property is a .34 acre parcel situated in Moreland, Idaho. The parcel is improved with a 681 square foot residence constructed in 1910.

Citing a newspaper article, Appellant described real estate market trends for several different areas in Idaho. The article reported values in Boise, Idaho increased more than 12%, while some other areas such as Bonneville County, decreased by 1%. Based on this information, Appellant contended subject's land value should have decreased for the current tax year.

Appellant also referenced four (4) sales in subject's area which sold within the prior eighteen (18) months. Sale prices were not provided, though Appellant described one (1) of the sales not being comparable to subject because it had recently undergone upgrades Appellant estimated to add \$80,000 in value. Appellant did not view any of the sale properties as comparable to subject.

Appellant additionally referred to building permit rates. According to Appellant, current building permit values for residences are calculated using a rate less than \$50 per square foot. It was argued subject should be assessed at a similar rate. Respondent countered that building permit rates are not necessarily reflective of market value, but rather represent simply a fee for obtaining a permit.

Respondent did not offer sales information in support of subject's assessed value. Instead, assessment information concerning two (2) improved properties in subject's immediate area was provided to demonstrate subject's valuation was consistent with others in the neighborhood. The first was a 1.16 acre parcel improved with a 534 square foot residence, with a total assessed value of \$40,700. The other concerned a 775 square foot residence attached to a .14 acre lot. This latter property's total assessed value was

\$30,750.

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.

In appeals to this Board, the burden rests with Appellant to prove error in subject's assessed value by a preponderance of the evidence. Idaho Code § 63-511. The burden was not satisfied in this instance.

Appellant referred to average real estate trends in different markets in Idaho, but did not correlate such information to subject's area. Likewise, Appellant made oral reference to several sales, but provided no information regarding the physical details of the sale properties, nor their respective sale prices or dates. As for Appellant's argument regarding subject being valued higher than current building permit rates, the Board did not find such

to be the case. Subject's residence was assessed roughly \$23 per square foot, which was much lower than the \$50 per square foot rate referenced by Appellant. Overall, the Board found support for Appellant's value position lacking.

Respondent did not provide market value evidence, such as sales, for the Board's consideration. The burden of proof, however, is with Appellant, and where the Board finds this burden not satisfied, the decision of the Bingham County Board of Equalization must be affirmed.

FINAL ORDER

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

DATED this 16th day of December, 2014.