

BEFORE THE IDAHO BOARD OF TAX APPEALS

JOANNA TWAMLEY,)	
)	
Appellant,)	APPEAL NO. 16-A-1133
)	
v.)	FINAL DECISION
)	AND ORDER
GOODING COUNTY,)	
)	
Respondent.)	
)	
)	
)	

RESIDENTIAL PROPERTY APPEAL

This appeal is taken from a decision of the Gooding County Board of Equalization denying the protest of valuation for taxing purposes of property described by Parcel No. RPW2000168005AA. The appeal concerns the 2016 tax year.

This matter came on for hearing October 27, 2016 in Gooding, Idaho before Board Member David Kinghorn. Appellant Joanna Twamley was self-represented. Assessor Justin Baldwin 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 Gooding County Board of Equalization is affirmed.

FINDINGS OF FACT

The assessed land value is \$25,000, and the improvements' value is \$120,877, totaling \$145,877. Appellant contends the correct total value is \$130,500.

The subject property is a 2,076 square foot single-level residence situated on a .29 acre lot in Wendell, Idaho. The subject residence includes three (3) bedrooms, one and three-quarter (1.75) bathrooms, and an attached one-car garage roughly 480 square feet

in size.

Appellant purchased subject in April 2007 for \$153,000. Appellant explained subject's assessed value increased approximately 10% for the 2016 tax year. Subject and the neighboring properties were described as being in poor condition. Appellant testified the property immediately adjacent to subject has a malfunctioning wood burning stove which leads to smoke entering the subject residence, and in turn has caused damage to the subject's interior.

Appellant detailed subject's deferred maintenance issues. Some issues included rotted fencing, roof in disrepair, screen doors falling apart, windows needing replacement, and a cinder block wall has begun to fall apart. The neighboring properties were said to be in even worse condition, which in Appellant's opinion, brings subject's value down further. Photographs of subject and the neighboring properties were provided in record.

Appellant provided information regarding assessed values for several neighboring properties. Photographs of each property were also provided. Assessed values ranged between \$42,123 and \$159,197. Appellant also mentioned sales of neighboring properties. The sale prices were noted to be approximately \$30,000 and \$80,000. No sale dates or further details were provided.

In support of subject's assessed value, Respondent referenced five (5) improved residential sales located in close proximity to subject. Two (2) sales took place in 2016, two (2) sales took place in 2015, and the remaining sale occurred in 2014. There was some variance in terms of lot and residence size, however, the sale properties were regarded as generally similar to subject. The first sale involved a 1,917 square foot

residence. The residence contained three (3) bedrooms and two (2) bathrooms. The property sold in April 2015 for \$165,000. After a time adjustment, a value of \$166,856 was concluded. This sale was in close proximity to subject, was smaller than subject, however included a larger detached garage, and more acreage.

The second sale property concerned a 1,810 square foot residence. The residence contained three (3) bedrooms and two (2) bathrooms. This sale residence was smaller than subject and sold in July 2014 for \$140,000. After time adjusting this sale, a value of \$141,050 was concluded.

The third sale took place in December 2015. The sale involved a 1,336 square foot residence which contained three (3) bedrooms and two (2) bathrooms. This sale residence was smaller than subject, however, included a larger garage and some other outbuildings. The lot was also larger. This property sold for \$165,000.

The two (2) remaining sales took place in 2016 involving residences 1,565 and 1,656 square feet in size. Sale prices were \$147,500 and \$145,000, respectively. Appellant argued Respondent's sales involved residences which were nicer and larger than subject, and not in subject's deteriorated condition.

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, 2016 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. Residential property like subject is commonly valued using a sales comparison approach.

Appellant's value evidence centered on assessed values of other properties in subject's general area. While the Board understands Appellant's concern with equal assessments, comparisons of assessed values is not a recognized appraisal approach. The comparisons were further strained because no details concerning the compared properties were shared, nor were any directly compared to subject.

Appellant referenced two (2) sales, however, the only details provided were the sale prices. The Board was unable to rely on this information as sale dates, and property details were lacking in record. Appellant also described some deferred maintenance concerns, however, failed to provide a cost-to-cure.

Respondent's evidence included sales which took place in 2016. A key element in appraisal is the effective date of valuation. Typically, a value estimate is derived using information which is knowable as of the valuation date. As indicated above, the

assessment and appraisal date in this appeal is January 1, 2016. Therefore, the Board's review will be restricted to market data existing prior to January 1st.

Respondent, however, did provide three (3) 2015 sales for the Board's review. The physical characteristics of each were detailed. Although no direct adjustments were made for physical differences between the sale properties and subject, this was the only timely market data provided in record.

In appeals to this Board, pursuant to Idaho Code § 63-511, the burden is with the Appellant to establish subject's valuation is erroneous by a preponderance of the evidence. In this case, the Board does not find Appellant met the burden of proof. Respondent's value evidence was supportive of subject's current assessed value. Therefore, the decision of the Gooding County Board of Equalization is affirmed.

FINAL ORDER

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

DATED this 22nd day of March, 2017.