

BEFORE THE IDAHO BOARD OF TAX APPEALS

SID LEZAMIZ, JR.,)	
)	
Appellant,)	APPEAL NO. 18-A-1068
)	
v.)	FINAL DECISION
)	AND ORDER
TWIN FALLS COUNTY,)	
)	
Respondent.)	
_____)	

RESIDENTIAL PROPERTY APPEAL

This appeal is taken from a decision of the Twin Falls County Board of Equalization denying an appeal of the valuation for taxing purposes of property described by Parcel No. RPT18420030010A. The appeal concerns the 2018 tax year.

This matter came on for hearing October 11, 2018 in Twin Falls, Idaho before Board Member Cindy Pollock. Appellant Sid Lezamiz, Jr. was self-represented. Prosecuting Attorney Nancy Austin represented Respondent.

Board Members David Kinghorn, Leland Heinrich and Kenneth Nuhn join in issuing this decision.

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

The decision of the Twin Falls County Board of Equalization is affirmed.

FINDINGS OF FACT

The assessed land value is \$32,153, and the improvements' value is \$162,640, totaling \$194,793. Appellant contends the correct improvements' value is \$127,053, with no change to the land value, totaling \$159,206.

The subject property is a single-family residence built in 1992. The residence contains 1,730 square feet, and includes three (3) bedrooms, two (2) bathrooms, and a

two-car attached garage. The property is situated on a .20 acre lot in Twin Falls, Idaho.

Appellant provided information on three (3) residential sales situated in subject's general area. Two (2) of the sales took place in 2017, and one (1) sold in 2016. The sale properties were built in 1956, 1966 and 2001. Sale prices ranged from \$149,900 to \$168,000 for residences consisting of between 1,640 and 1,794 finished square feet. Appellant used these sales to compare with subject and subtracted subject's assessed land value of \$32,153 from the respective sale prices to calculate price per square foot rates for the sale properties' improvements. After extracting land values, the improvements ranged in indicated price rate from \$69.97 to \$75.72 per square foot. Appellant used the median price per square foot of \$73.44 and applied it to 1,730 square feet to conclude a \$127,053 value for subject's improvements. Respondent argued Appellant's sales were of much older construction, as well as somewhat distant from subject's location.

Respondent's market data consisted of three (3) sales from subject's immediate area. Two (2) sold in 2016, and one (1) in 2017. Sale prices ranged from \$200,000 to \$219,000. After adjusting the sales for differences compared to subject for lot size, quality of construction, age, square footage, garage size, and other relevant characteristics, adjusted sale prices were between \$196,400 and \$216,000. Based on this, Respondent concluded subject's current assessed value of \$194,793 was reasonable.

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, 2018 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). Residential property is typically valued using the sales comparison approach.

Appellant referenced several sales, the problem, however, was no adjustments were made to the sale properties to compare with subject. Two (2) of the sale properties were much older, and one (1) was newer. Further, simply removing subject’s assessed land values from the sale prices and averaging the price rates is not a recognized appraisal method to derive value. The Board was strained to find how Appellant’s sales better supported subject’s valuation.

Respondent’s comparable sales evidence was well detailed. The three (3) sales offered were located in subject’s immediate vicinity and were generally representative of

subject's physical features. The primary differences were noted and Respondent adjusted for differences compared to subject. Adjusted sale prices ranged from \$196,400 and \$216,000. Subject's total assessed value is \$194,793, which appears reasonable given the value range indicated by Respondent's sales comparison approach.

Idaho Code § 63-511 places the burden on Appellant to demonstrate error in subject's assessed value by a preponderance of the evidence. Given the record in this case, we did not find the burden of proof satisfied. Appellant's sales information failed to make direct comparisons with the subject property. Respondent's analysis was thorough, and yielded a value conclusion which was well supported by recent timely sales in subject's immediate neighborhood.

Based on the above, the decision of the Twin County Board of Equalization is affirmed.

FINAL ORDER

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

DATED this 20th day of December, 2018.