

STATE OF IOWA  
PROPERTY ASSESSMENT APPEAL BOARD

---

**Rick D. Wiggs**

Petitioner-Appellant,

v.

**Monona County Board of Review,**

Respondent-Appellee.

---

**ORDER**

**Docket No. 09-67-0032  
Parcel No. 67-8546-36-3-76-021**

On September 22, 2009, the above captioned appeal came on for hearing before the Iowa Property Assessment Appeal Board. The appeal was conducted under Iowa Code section 441.47A(2)(a-b) and Iowa Administrative Code rules 701-71.21(1) et al. The Appellant, Rick D. Wiggs, was self-represented. The Monona County Board of Review designated Assistant County Attorney Stephen Allen as its legal representative. The Appeal Board having reviewed the entire record, having hear the testimony and being fully advised, finds:

***Findings of Fact***

Rick Wiggs protested to the Monona County Board of Review regarding his property located at 804 Norwood Street, Whiting, Iowa. The 2009 residential assessment is allocated as follows: \$9,197 in land value, and \$220,060 in improvement value, for a total assessment of \$229,257. Mr. Wiggs claimed that the assessment was not equitable under Iowa Code section 441.37(1)(a) and that there was an error in the assessment under Iowa Code section 441.37(1)(d). Mr. Wiggs asserted the error was that the property was over-assessed.

The Board of Review provided Mr. Wiggs with roughly thirty minutes of speaking time at the local protest, after which it conducted an interior inspection of his property. Additionally, the Board of Review made exterior inspections of several of the comparables presented by Mr. Wiggs. The Board

of Review then spent additional time discussing Mr. Wiggs property. We find the amount of time spent at the local level, on this particular appeal, shows the Board of Review was attempting to act with prudence and reasonable due-diligence. The Board of Review left the 2009 value unchanged, citing that “based upon a personal inspection...the Board finds the property value to be as stated.”

Mr. Wiggs then appealed to this Board, plainly stating that the property seems to be over-assessed and seeks between \$25,000 and \$50,000 in relief. While Mr. Wiggs did not specifically mark the ground indicating his property was assessed for more than the value authorized by law under Iowa Code section 441.37(b), he did contend this ground, in his written claim of an error in the assessment, at both the local level and to this Board.

Mr. Wiggs underlying concern with the valuation originally stemmed from a lack of understanding regarding the various “codes” or rating systems utilized by the assessor. The rating that has the most impact on value, from Mr. Wiggs perspective, is the quality rating. There are seven basic numerical grades of dwellings:

- E – Executive Quality
- 1 – Superior Quality
- 2 – High Quality
- 3 – Good
- 4 – Average
- 5 – Below Average
- 6 – Sub-standard

Grades are further assigned through a sub-grade of +10, +5, -5, -10 and so forth.

Mr. Wiggs property has been assigned a 2-10 grade.

Wiggs provided fourteen properties that he considered to be comparable to his property in terms of utility and overall appeal. Twelve of the fourteen properties had quality grades assigned by the assessor’s office and noted by Mr. Wiggs. The twelve reported grades ranged from 2 to 3-10. Only one of these comparables carried a 2 grade and only two carried a 3-10. The majority of the comparables presented ranged between a 3+10 to a 3 grade.

Testimony from Mr. Wiggs indicated that while the exterior of the home has a higher quality feel, the interior of the home is average quality with laminate counters, fiberglass tub/showers, and other average quality fixtures (plumbing, kitchen cabinetry, etc.), which were purchased at a bulk box store such as Menards. This was not refuted by the Board of Review; although the property was consistently described as appealing by the Board of Review's appraiser, and therefore considered by the appraiser to reflect a higher quality.

The county assessor faxed a 2- and 3-grade definition from the 1998 Real Property Appraisal Manual published by the Iowa Department of Revenue to Mr. Wiggs on June 3, 2009. These descriptions are as follows:

#### A 2 STORY + ATTIC + BASEMENT STONE DWELLING

2 GRADE This also is usually an architecturally designed, custom built home with good materials and workmanship. Very similar to a 1 grade home, but on a more conservative scale. This is a more practical home than a 1 grade home, having more than sufficient plumbing fixtures. Likewise, there is good heating and electrical service. Interior finish will be of plaster or drywall with good trim. Kitchen will have built-in features with more than adequate cupboard space and counter tops. Bathrooms and toilet rooms will usually have good quality fixtures. This is an excellent home but not as pretentious as a 1 grade.

#### A 2 STORY + BASEMENT FRAME DWELLING

3 GRADE A 3 grade dwelling is generally a custom or speculation home lacking architectural frills but basically of good practical design and layout. Workmanship and materials are barely above an average type home but it will have some extra design and special features not found in the average home. It will normally have good drywall or plaster walls, hardwood floors (or wall to wall carpeting), and also better than average kitchen cabinets, plumbing facilities, and closet space. This is often referred to as an intermediate grade because it will be a 2 grade design and layout but 4 grade workmanship and materials.

Sample pictures of 2-grade homes were also provided. But no photo samples of 3-grade homes were offered. While the photos presented of the 2-grade homes reasonably represent the subject's exterior design, the text of the definition concerning the interior of the property is at best a high 3-grade, given the testimony before this Board.

The subject is graded 2-10. The bulk of the comparables presented by Mr. Wiggs indicate other similar-sized and quality properties are graded between 3+10 and 3. We find Mr. Wiggs to be honest in his testimony when stating the quality of the interior materials about many of the comparables presented, that he has personally been inside, as being equal to his home.

Tim Peters a field appraiser with the Monona County Assessors office testified on behalf of the Board of Review. While we find Mr. Peters to also be honest, we find his credibility to be lacking, in that he disagreed that the lower cost of the materials used in the home reflected upon the overall quality of the property. The grade definitions presented clearly include considerations for architectural design, layout and appeal, as well as, the quality of the workmanship and materials. All of these factors must be taken into consideration when determining grade. In the Board's opinion, the assessor should re-evaluate the quality grade assigned to the subject property in the next year and fairly determine what impact this may have on value.

It is Mr. Wiggs contention that due to the quality grade being too high, the property is over-assessed \$25,000 - \$50,000 too high. The current assessment for the subject property is \$229,257 therefore Mr. Wiggs is contending that his property has a value between \$179,257 and \$204,257. However, Wiggs provides no support of the actual market value of the property as of January 1, 2009.

Because Wiggs is challenging only the grade of the property, he is essentially asserting that the remaining elements are correctly developed. Assuming that this single element is incorrect, and the remainder of the assessment development is accurate, there is still insufficient evidence presented by

Mr. Wiggs to establish the correct fair market value. There is no evidence presented to indicate that the fair market value is between \$179,257 and \$204,257.

Mr. Wiggs referenced an appraisal completed for financing purposes in December of 2005, which he asserts demonstrates a market value, at that time, of \$160,000. While we find Mr. Wiggs to be honest, this appraisal report could not be obtained for review at the time of this hearing and there is no other evidence submitted which indicates that value would be reflective of the January 1, 2009 assessment. Lacking the actual appraisal, it is not possible for this Board to determine what the reported appraised value of \$160,000 actually reflects. Appraisals, even for lending purposes can be completed for a multitude of reasons and may include only partial elements of the property. It is unknown if the subject site, which was transferred to Mr. Wiggs by his father-in-law was included within the appraised value; or if the value reflected entrepreneurial profit since Wiggs oversaw much of the construction himself. Therefore, little consideration is given to this piece of evidence.

Mr. Wiggs asserts that his property is assessed for more than authorized by law, primarily based upon an over-zealous grade factor. While we find the assessors determination of the grade factor to be wanting in light of the supplied definitions and testimony provided; Mr. Wiggs fails to persuade this Board that the fair market value of his property is no more than \$204,257 as of January 1, 2009.

### ***Conclusions of Law***

The Appeal Board applied the following law.

The Appeal Board has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A (2009). This Board is an agency and the provisions of the Administrative Procedure Act apply to it. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). The Appeal Board determines anew all questions arising before the Board of Review related to the liability of the property to assessment or the assessed amount. § 441.37A(3)(a). The Appeal Board considers only

those grounds presented to or considered by the Board of Review. § 441.37A(1)(b). But new or additional evidence may be introduced. *Id.* The Appeal Board considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption that the assessed value is correct. § 441.37A(3)(a).

To prove inequity, a taxpayer may show that an assessor did not apply an assessing method uniformly to similarly situated or comparable properties. *Eagle Food Centers v. Bd. of Review of the City of Davenport*, 497 N.W.2d 860, 865 (Iowa 1993). Alternatively, a taxpayer may show the property is assessed higher proportionately than other like property using criteria set forth in *Maxwell v. Shriver*, 257 Iowa 575, 133 N.W.2d 709 (1965). While Wiggs asserts that his grade factor is too high, there is no evidence that would support the factors were applied inconsistently.

Section 441.37(1)(d) is not limited solely to clerical or mathematical errors. The plain language of section 441.37(1)(d), on which the appellant rests his claim, allows a protest on the ground “[t]hat there is an error in the assessment.” § 441.21(1)(d). The administrative rule interpreting this section indicates that the error may be more than what is alleged by the Board of Review. While “[a]n error in the assessment *would most probably* involve erroneous mathematical computations or errors in listing the property[,] [t]he improper classification of property also constitutes an error in the assessment.” Iowa Administrative r. 701-71.20(4)(b)(4) (emphasis added). This language suggests that other errors may constitute grounds for appeal pursuant to section 441.37(1)(d). Mr. Wiggs asserts that the error made is that of over-assessment (more than authorized by law), however fails to provide the correct value of the property.

In an appeal that alleges the property is assessed for more than the value authorized by law under Iowa Code section 441.37(1)(b), there must be evidence that the assessment is excessive and the correct value of the property. *Boekeloo v. Bd. of Review of the City of Clinton*, 529 N.W.2d 275, 277

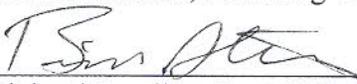
(Iowa 1995). Mr. Wiggs fails to provide this Board with the correct evidence of the property, or to persuade the board that his property is worth no more than \$204,257.

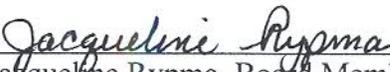
While Mr. Wiggs has failed to persuade this Appeal Board regarding the market value of his property; in the opinion of the Appeal Board, the assessor should re-evaluate the quality grade assigned to this property in the next year and fairly determine what impact this may have on value.

THE APPEAL BOARD ORDERS the assessment of the Wigg's property located at 804 Norwood Street, Whiting, Iowa, of \$229,257 as of January 1, 2009, set by the Monona County Board of Review, is affirmed.

Dated this 15 day of October, 2009

  
\_\_\_\_\_  
Karen Oberman, Presiding Officer

  
\_\_\_\_\_  
Richard Stradley, Board Member

  
\_\_\_\_\_  
Jacqueline Rypma, Board Member

Cc:

Rick Wiggs  
804 Norwood Street  
Whiting, Iowa 51063  
APPELLANTS

Stephen Allen  
Monona County Attorney  
610 Iowa Avenue  
Onawa, Iowa 51040  
ATTORNEY FOR APPELLEE

Certificate of Service	
The undersigned certifies that the foregoing instrument was served upon all parties to the above cause & to each of the attorney(s) of record herein at their respective addresses disclosed on the pleadings on <u>10-15, 2009</u>	
By:	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> FAX
	<input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Courier
	<input type="checkbox"/> Certified Mail <input type="checkbox"/> Other
Signature	