

STATE OF IOWA  
PROPERTY ASSESSMENT APPEAL BOARD

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**Mohammed Rawwas,**

Petitioner-Appellant,

v.

**Black Hawk County Board of Review,**

Respondent-Appellee.

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**ORDER**

**Docket No. 10-07-0275  
Parcel No. 8913-19-453-018**

On March 4, 2011, the above captioned appeal came on for consideration before the Iowa Property Assessment Appeal Board under Iowa Code sections 441.37A(2)(a-b) and Iowa Administrative Code rules 701-71.21(1) et al. The Appellant, Mohammed Rawwas was self-represented and requested the appeal take place without a hearing. The Black Hawk County Board of Review designated Assistant County Attorney David J. Mason as its legal representative. The Appeal Board having reviewed the entire record, and being fully advised, finds:

*Findings of Fact*

Mohammed Rawwas, owner of a residentially classified property located at 4227 Deena Drive, Cedar Falls, Iowa, appeals from the Black Hawk County Board of Review regarding his 2010 property assessment. The January 1, 2010 assessment is allocated as follows: \$48,860 in land value and \$275,010 in improvement value for a total assessment of \$323,870.

The subject property is a one-story, single-family residence. The improvements include 1799 square feet of above-grade finish; a full basement with 1275 square feet of finish; a three-car attached garage; a 144 square-foot patio; and a 138 square-foot deck. The site is 0.374 acres. The property record card indicates the subject was built in 2008, however the Black Hawk County assessor indicates

in a January 14, 2011, letter to this Board that while construction began in 2008 it was not completed until 2009.

The January 1, 2010, assessment of the subject property increased \$80,560 to a total assessment of \$323,870 compared to the January 1, 2009, total assessment of \$243,310. The increase was due to the improvements being completed, and the 2009 partial value was replaced with a full value for the 2010 assessment year.

Rawwas protested his assessment to the Black Hawk County Board of Review. On the protest he contended his property assessment was not equitable with that of like properties under Iowa Code section 441.37(1)(a). He also asserted the subject property is assessed for more than the value authorized by law under section 441.37(1)(b), claiming the actual value is \$238,070.

The Board of Review did not change the assessment.

Rawwas then appealed to this Board. He reasserted his original claims and seeks the same amount of relief.

On his protest form to the Board of Review Rawwas provided five equity comparables. He listed the address, "price," and assessment. It is unknown if the "price" listed is an actual sales price or a list price. If it is a sales price, the date of sale was not provided. Additionally, it is unknown what year the "assessment" reflects as this is also not noted. One of the five properties is reported as not having (or N/A) an assessment, and another of the properties is reported as having an assessment that does not reflect a fully finished improvement. Rawwas averages only the three properties, (1805 Quail Ridge Road, 4201 Stewart Lane, and 1808 Quail Ridge Road) which are believed to have full assessments, to arrive at his assertion the correct value of his property is \$238,070.

Rawwas presented no information such as style, size, age, location, or amenities to demonstrate that these five properties are indeed comparable properties to the subject. Due to a lack of information about the five properties submitted as equity comparables, we give this information little consideration.

Rawwas also attached a letter to the Board of Review dated April 25, 2010, asserting his claim of over-assessment. In this letter, Rawwas states he does not believe his property to be “as fancy” as other homes in the area. He states the property is currently on the market and the asking price has been lowered to \$339,900. He believes the property will sell somewhere between \$300,000 and \$330,000. We note the listing price is above the January 1, 2010, assessment, and his anticipated selling price also includes the assessment within its range.

Attached to the April 2010 letter is a listing of the subject property and interior photos; a CMA (Comparative Market Analysis) Summary Report; and an email conversation with his real estate agent discussing the pricing of the subject property. Rawwas’s real estate agent is Jennifer Worrell with Century 21 in Cedar Falls, Iowa.

The CMA includes three closed properties and three active listings selected and analyzed by Worrell. The three closed sales had sales prices of roughly \$326,000 to \$335,000, with an average sales price of roughly \$331,500. The three active listings had list prices of roughly \$316,500 to \$370,000 with an average list price of roughly \$339,000. Both the active listings and closed sales have average prices greater than the January 1, 2010, assessment of the subject property.

The email string included by Rawwas indicates that as of April 21, 2010, his real estate agent believed the market indicated a value range of \$333,000 to \$340,000 for the subject property.

The Black Hawk Board of Review submitted a letter from County Assessor Tami McFarland dated January 14, 2011. In this letter, McFarland notes the subject property sold on July 15, 2010, for \$325,000 and asserts this supports the January 1, 2010, assessment. While the sale occurred six months after the assessment date, it supports Rawwas’s previously noted belief that the property would sell between \$300,000 and \$330,000 and is an indicator of the property’s market value for the assessment date.

We give most consideration to Worrell's CMA and the subsequent sale of the subject property. We find insufficient evidence has been presented to support a claim of inequitable assessment or over-assessment.

### *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). The six criteria include evidence showing

“(1) that there are several other properties within a reasonable area similar and comparable . . . (2) the amount of the assessments on those properties, (3) the actual value of the comparable properties, (4) the actual value of the [subject] property, (5) the assessment complained of, and (6) that by a comparison [the] property is assessed at a higher proportion of its actual value than the ratio existing between the assessed and the

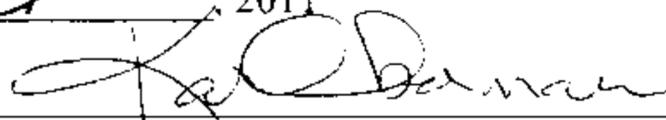
actual valuations of the similar and comparable properties, thus creating a discrimination.”

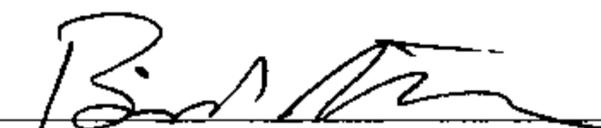
*Id.* at 579-580. The gist of this test is the ratio difference between assessment and market value, even though Iowa law now requires assessments to be 100% of market value. § 441.21(1). Rawwas’s evidence of inequity was incomplete and did not demonstrate a disparity between the subject property assessment and the assessments of other like properties. In this case, Rawwas’s evidence did not show his property was inequitably assessed using either method.

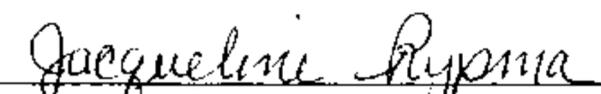
In an appeal that alleges the property is assessed for more than the value authorized by law under Iowa Code section 441.37(1)(b), there must be evidence that the assessment is excessive and the correct value of the property. *Boekeloo v. Bd. of Review of the City of Clinton*, 529 N.W.2d 275, 277 (Iowa 1995). Rawwas offered a CMA completed by his real estate agent Jennifer Worrell. We find the evidence does support the claim that the property is assessed for more than the value authorized by law. Worrell’s CMA is the best evidence in the record and supports the January 1, 2010 assessment. Worrell’s CMA was also supported by the subsequent sale of the property for \$325,000.

We therefore affirm the assessment of Mohammed Rawwas’s property as determined by the Black Hawk County Board of Review, as of January 1, 2010. THE APPEAL BOARD ORDERS the assessment of Mohammed Rawwas’s property located at 4227 Deena Drive, Cedar Falls, Iowa, of \$323,870 as of January 1, 2010, set by Black Hawk County Board of Review, is affirmed.

Dated this 5 day of April, 2011

  
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Karen Oberman, Presiding Officer

  
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Richard Stradley, Board Member

  
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Jacqueline Rypma, Board Member

Cc:

Mohammed Rawwas  
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APPELLANT

David J. Mason  
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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>4-5</u> , 2011	
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	