

STATE OF IOWA
PROPERTY ASSESSMENT APPEAL BOARD

Ryan Cambron,
Petitioner,

v.

Warren County Board of Review,
Respondent.

ORDER

Docket No. 12-91-0006
Parcel No. 48-573-00-0230

On December 28, 2012, the above-captioned appeal came on for consideration before the Iowa Property Assessment Appeal Board. The appeal was conducted under Iowa Code section 441.37A(2)(a-b) and Iowa Administrative Code rules 701-71.21(1) et al. Petitioner-Appellant Ryan Cambron requested his appeal be considered without a hearing. He was self-represented. County Assessor Brian Arnold represented the Board of Review. The Appeal Board now having examined the entire record, and being fully advised, finds:

Findings of Fact

Ryan Cambron, owner of property located at 109 South 20th Street, Indianola, Iowa, appeals from the Warren County Board of Review decision reassessing his property. The real estate was classified as residential on the initial assessment of January 1, 2012, and valued at \$204,900, representing \$43,500 in land value and \$161,400 in dwelling value. The assessment notice indicates a \$75,000 urban revitalization adjustment reducing the adjusted assessed value to \$129,900.

Cambron protested to the Board of Review on the grounds that the property assessment is not equitable compared to like properties in the taxing jurisdiction under Iowa Code section 441.37(1)(a)(1); and that there is an error in the assessment under section 441.37(1)(a)(4). The Board of Review denied the protest.

Cambron then filed his appeal with this Board based on the same grounds. He requested a reduction in value to \$185,400, allocated \$34,500 to land value and \$150,900 to dwelling value based on the value of a similar property. According to the property record card, the subject property consists of a one-story frame dwelling with 1172 square feet of total living area and a 529 square-foot attached garage, built in 2010. It has a full, walkout basement with 1050 square feet of living quarters finish; a 144 square-foot, wood deck; and a 144 square-foot, patio. It also has a 112 square-foot, open porch. The dwelling has a 4+10 quality grade and is in normal condition. The improvements are situated on a 0.233-acre site in the Meadow Brooke subdivision.

In support of his equity claim, Cambron identified only one property for comparison located at 1504 West Henderson Place¹ in a different Indianola subdivision than his. Cambron's failure to list more than one comparable property on his Board of Review protest form effectively precludes this Board from ruling in his favor with regard to his equity claim. § 441.37(1)(a)(1); § 441.38(1); *Montgomery Ward Dev. Corp. by Ad Valorem Tax, Inc. v. Cedar Rapids Bd. of Review*, 488 N.W.2d 436, 441 (Iowa 1992), *overruled on other grounds by Transform, Ltd. v. Assessor of Polk County*, 543 N.W.2d 614 (Iowa 1996).

Although Cambron cannot succeed on his equity claim, we review the properties' comparability for the sole purpose of fully setting forth the evidentiary record in this appeal. Cambron believes the Henderson property is the exact same house as his, yet its improvement is assessed \$10,500² less than his dwelling. This property was built the same year as Cambron's dwelling and has the same quality grade, condition, and 10% functional obsolescence. It also has a walkout basement with the same amount and quality of finish in the lower level as the subject property.

We note differences, however, between the Henderson property and the subject property that likely account for the differences in assessment. The Henderson property has 1125 square feet of

¹ Cambron identified this as 1504 West Salem on the attachment to his petition.

² Cambron calculated a difference of \$10,900.

living area as compared to the subject property's 1172 square feet of living area. The Henderson dwelling has a garage 484 square-foot attached garage while Cambron's attached garage is 529 square feet. The Henderson 0.438-acre site is larger than the subject's 0.233 acre-site, but it has lower land quality rating at \$400 unit price as compared to the subject's \$600 unit price. The Henderson property also has a 10% downward topography adjustment. Finally, the Henderson property also has a 1.00 map factor as compared to the subject's higher 1.05 map factor, indicating Cambron's property is in a superior location.

Cambron asserts an error in the calculation of his dwelling's living area, claiming the south side of the house is forty feet not forty-one feet as shown on the property record card sketch. He did not, however, provide any evidence, such as a contractor's certification, to support this assertion. We recommend the Board of Review arrange for Cambron's dwelling to be re-measured to verify the accuracy of the property record card measurement and correct any listing error that may be found.

Viewing the record as a whole, Cambron's equity claim fails because Cambron did not provide the requisite number of comparable properties. Further, he failed to prove by a preponderance of the evidence that there is an error in the assessment as of January 1, 2012.

Conclusion 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 (2011). This Board is an agency and the provisions of the Administrative Procedure Act apply. 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).

In Iowa, property is to be valued at its actual value. Iowa Code § 441.21(1)(a). Actual value is the property's fair and reasonable market value. § 441.21(1)(b). "Market value" essentially is defined as the value established in an arm's-length sale of the property. *Id.* Sale prices of the property or comparable properties in normal transactions are to be considered in arriving at market value. *Id.* If sales are not available, "other factors" may be considered in arriving at market value. § 441.21(2). The assessed value of the property shall be one hundred percent of its actual value. § 441.21(1)(a).

To prove inequity, a taxpayer may show 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. Shivers*, 133 N.W.2d 709 (1965). The *Maxwell* test provides inequity exists when, after considering the actual and assessed values of comparable properties, the subject property is assessed at a higher proportion of its actual value. *Id.* at 579-80. The *Maxwell* test may have limited applicability now that current Iowa law requires assessments to be at one hundred percent of market value. § 441.21(1).

Under Iowa Code section 441.37(1)(a)(1), a taxpayer claiming inequity must provide the legal description and assessments of a "representative number of comparable properties" on the Board of Review protest form or that ground of the protest will not be considered. *Montgomery Ward Dev. Corp.*, 488 N.W.2d at 441. The Iowa Supreme Court has interpreted "representative number of comparable properties" to be more than one property. Iowa Code § 441.37(1)(a)(1); *Maxwell*, 133 N.W.2d at 712. This "statutory requirement is both a jurisdictional prerequisite and an evidentiary

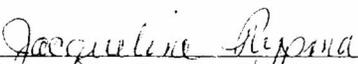
requirement for bringing a claim of inequitable or discriminatory assessment before the board.”
Montgomery Ward Dev. Corp., 488 N.W.2d 436. Cambron only identified one property for equity comparison, which does not satisfy this requirement and thus this Board is precluded from ruling in favor of Cambron on his equity claim. § 441.38(1).

Cambron claims an error in his assessment under section 441.37(1)(a)(4). The plain language of section 441.37(1)(a)(4), on which he rests his claim, allows a protest on the ground “[t]hat there is an error in the assessment.” Cambron asserts the Assessor’s measurement of his dwelling is inaccurate. While insufficient evidence was offered to prove this claim, this Board recommends the Board of Review arrange for an inspection of the property to assure accurate measurements.

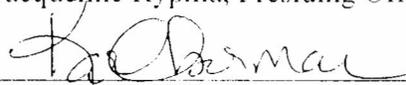
Viewing the evidence as a whole, we are unable to find in favor of Cambron on his equity claim due to his failure to provide more than one comparable property in support of his claim. Further, Cambron did not provide sufficient evidence to establish that there was an error in the assessment as of January 1, 2012. Therefore, we affirm the property assessment as determined by the Board of Review of \$204,900, representing \$43,500 in land value and \$161,400 in dwelling value as of January 1, 2012.

THE APPEAL BOARD ORDERS that the January 1, 2012, assessment as determined by the Warren County Board of Review is affirmed as set forth above.

Dated this 18 day of January 2013.



Jacqueline Rypma, Presiding Officer



Karen Oberman, Board Member

Copies to:
Ryan Cambron
821 South G Street
Indianola, IA 50125
PETITIONER

Brian Arnold
Warren County Assessor
301 N. Buxton Street, Suite 108
Indianola, IA 50125
ASSESSOR

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>January 18</u> , 201 <u>3</u>	
By:	<input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> FAX
	<input type="checkbox"/> Hand Delivered <input type="checkbox"/> Overnight Courier
	<input type="checkbox"/> Certified Mail <input type="checkbox"/> Other
Signature	<u>Brian Arnold</u>