

STATE OF IOWA  
PROPERTY ASSESSMENT APPEAL BOARD

---

**Jon Gaskell,**  
Appellant,

v.

**Polk County Board of Review,**  
Appellee.

**ORDER**

**Docket No. 14-77-0043**  
**Parcel No. 090/08060-000-000**

---

On January 7, 2015, the above-captioned appeal came on for hearing before the Property Assessment Appeal Board. The appeal was conducted under Iowa Code section 441.37A(2) and Iowa Administrative Code rules 701-71.21(1) et al. Jon Gaskell was self-represented. Polk County Attorney Ralph Marasco, Jr. was counsel for the Board of Review. The Appeal Board having reviewed the record, heard the testimony, and being fully advised finds:

***Findings of Fact***

Jon Gaskell is the owner of a residentially classified property located at 4100 John Lynde Road, Des Moines, Iowa. The property is a two-story home and was built in 1939. The property has 3255 square-feet of living area; a full basement with 250 square feet of average-plus finish; and a three-car attached garage. The property has a grade of 2+10 (high quality) and is listed in excellent condition. The site is 0.668 acres.

Gaskell protested the January 1, 2014 assessment of \$541,800, allocated as \$85,400 in land value and \$456,400 in improvement value to the Polk County Board of Review. This was a change in value from the previous year and thus all grounds for protest under Iowa Code section 441.37(1)(a)(1) were available. Gaskell asserted the property was inequitably assessed and assessed for more than authorized by law under sections 441.37(1)(a)(1) and (2). Before the Board of Review, Gaskell orally amended his appeal to also assert there was an error in the assessment under section 441.37(1)(a)(3).

He claimed the living area was reported incorrectly. The Board of Review corrected the gross living area from 3524 square feet to 3255 square feet and reduced the assessment to \$520,100.

Gaskell then appealed to this Board, reasserting his claims of inequity and over-assessment and now asserts the property’s correct fair market value is \$440,000.

Gaskell purchased the subject property in August 2013 for \$595,000. He testified that he overpaid for the property and “paid a massive premium.” Despite this, it appears the parties were not related, the sale was not the result of a foreclosure or distress, and we find it was a normal, arm’s length transaction.

Gaskell submitted three properties he believes support his equity claim.

Address	Assessment	Sale Price	Sale Date
Subject	\$520,100	\$595,000	Aug-13
4020 John Lynde Rd	\$425,700	N/A	N/A
4012 John Lynde Rd	\$320,200	N/A	N/A
4004 John Lynde Rd	\$307,400	N/A	N/A

Gaskell testified the best comparable is the neighboring property at 4020 John Lynde Road. He states the subject and 4020 John Lynde Road were built by the same builder and have the same lot. He notes that 4020 John Lynde Road has roughly 500 more square-feet, but is assessed at \$425,700. We note that 4020 John Lynde Road has a grade of 3+10 (good) and is listed in very good condition compared to the subject’s high quality grade and excellent condition.

None of these properties have sold recently and Gaskell did not provide an estimate of the current fair market value for each property to determine an assessment/sales price ratio. Because it is insufficient to calculate an assessment/sales ratio, we give this evidence no consideration.

The Board of Review relied on four properties submitted by the Assessor's Office as comparables.

Address	Assessment	Sale Price	Sale Date	Ratio	Assessor Adjusted Values (Rounded)
Subject	\$520,100	\$595,000	Aug-13	0.87	
3737 John Lynde Rd	\$530,300	\$580,000	Jul-13	0.91	\$667,500
4222 Woodlawn Dr	\$464,200	\$560,000	Sep-13	0.83	\$605,000
3420 St Johns Rd	\$369,600	\$370,000	Nov-12	0.99	\$415,700
112 42nd St	\$420,000	\$417,500	Aug-12	1.00	\$534,700

Gaskell testified that 3737 John Lynde Road is just down the street from his property, but has additional square footage, a four-car garage, and a superior lot. He stated that he made an offer on the property at 4222 Woodlawn Drive, and it is located across the street from the subject. Although Gaskell testified it has a bigger and better lot, he believes this is the best comparable property offered by the Board of Review. He also stated that both 3420 St. Johns Road and 112 42nd Street required significant price reductions to sell. He added that 3420 St. Johns Road is larger in size, but similar in style to the subject.

Despite Gaskell's criticism of the comparability of these properties, they are the only comparables available with sales data to complete an assessment/sales ratio analysis to evaluate the equitability of the subject's assessment. We note the two most relevant sales are those at John Lynde Road and Woodlawn Drive because they sold in 2013. An assessment/sale ratio is usually completed by comparing a current assessment (2014) to the previous year market value (2013). An assessment/sales ratio less than 1.00 demonstrates that the property is assessed for less than its sales price. The subject's assessment/sales ratio is 87% and the Board of Review comparables' ratios range from 83% to 100%. We find these properties demonstrate the subject property is equitably assessed as compared to other similar properties in the area.

This evidence also indicates that the subject property is not assessed for more than authorized by law, i.e. more than its market value. After adjustments for differences, the sales indicate a range of value between \$415,700 to \$667,500, and the subject's assessment of \$520,100 falls well within this range.

The Board of Review also submitted an appraisal of the subject property completed by Brent Kimble of The Appraisal Company, Urbandale. Kimble completed the appraisal for the purchase transaction and relied solely on the sales comparison approach to value. He submitted four sales, a pending sale, and two listings in his report. After adjustments, the properties indicated a value range between roughly \$552,000 and \$650,000. Kimble's opinion of value as of July 2013 was \$595,000. We also note that although Gaskell asserts he overpaid for the property, all of the comparable properties submitted by Kimble had sale or listing prices between \$545,000 and \$675,000, with an average sale/list price of \$622,250. This does not suggest Gaskell overpaid for the property as he claims.

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

The Appeal Board has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A. 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, but considers only those grounds presented to or considered by the Board of Review. §§ 441.37A(3)(a); 441.37A(1)(b). 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 the assessed value is correct.

§ 441.37A(3)(a). However, the taxpayer has the burden of proof. § 441.21(3). This burden may be shifted; but even if it is not, the taxpayer may still prevail based on a preponderance of the evidence. *Id.*; *Richards v. Hardin County Bd. of Review*, 393 N.W.2d 148, 151 (Iowa 1986).

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 reflecting market value are to be considered in arriving at market value. § 441.21(1)(b). Conversely, sales of property in abnormal transactions not reflecting market value shall not be taken into account. *Id.*

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. Shivers*, 257 Iowa 575, 133 N.W.2d 709 (Iowa 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 711. The *Maxwell* test provides that inequity exists when, after considering the actual and assessed values of comparable properties, the subject property is assessed at a higher proportion of this actual value. *Id.* 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). Nevertheless, in some rare instances, the test may be satisfied.

Gaskell offered three properties he considered comparable to his for an equity analysis. However, none recently sold or had another opinion of their market value; therefore, there is insufficient evidence to determine an assessment/sales ratio using these properties.

The only comparables available with which an assessment/sales ratio analysis can be completed were offered by the Board of Review. The subject's assessment/sales ratio is 87% and the Board of Review comparables' ratios range from 83% to 100%. This analysis does not indicate the subject property is being assessed at a higher proportion of its actual value. Moreover, Gaskell did not assert that the Assessor failed to uniformly apply an assessing method to similarly situated or comparable properties. For these reasons, Gaskell failed to show his property is inequitably assessed as compared to like properties.

In an appeal alleging the property is assessed for more than the value authorized by law under section 441.37(1)(a)(1)(b), the taxpayer must show: 1) the assessment is excessive and 2) the subject property's correct value. *Boekeloo v. Bd. of Review of the City of Clinton*, 529 N.W.2d 275, 277 (Iowa 1995).

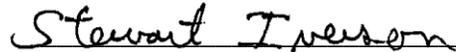
The record contains a normal, arm's length sale of the subject in 2013 for \$595,000. The Board of Review also submitted the Kimble appraisal, which concludes a market value opinion of \$595,000, as of July 2013. We find the appraisal is the best evidence in the record of the fair market value. In addition, the Board of Review submitted comparable sales that, after adjustment, indicate a range of value for the subject between \$415,700 to \$667,500. The subject's assessment of \$520,100 falls within this range. Conversely, Gaskell did not submit any sales data to support his claimed value of \$440,000. As a result, we find that a preponderance of the evidence does not support Gaskell's claim that the property is assessed for more than authorized by law.

THE APPEAL BOARD ORDERS the 2014 assessment of Jon Gaskell's property located at 4100 John Lynde Road, Des Moines, Iowa, set by the Polk County Board of Review, is affirmed.

Dated this 4th day of February, 2015.



Karen Oberman, Presiding Officer



Stewart Iverson, Board Chair

Cc:

Jon Gaskell  
4100 John Lynde Road  
Des Moines, Iowa 50312  
APPELLANT

Ralph Marasco, Jr.  
Assistant Polk County Attorney  
111 Court Avenue, Room 340  
Des Moines, Iowa 50309  
ATTORNEY FOR APPELLEE