

**PROPERTY ASSESSMENT APPEAL BOARD
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

PAAB Docket No. 2015-107-01107R

Parcel No. 884717326014

Roger Caudron,
Appellant,

v.

Sioux City Board of Review,
Appellee.

Introduction

This appeal came on for telephone hearing before the Property Assessment Appeal Board (PAAB) on April 27, 2016. Roger Caudron was self-represented. Attorney Jack Faith represented the Sioux City Board of Review.

Caudron is the owner of a residential, two-story home located at 4921 Singing Hills Boulevard, Sioux City. It was built in 1999 and has 2490 square feet of above-grade finish; a full basement with 416 square-feet of average finish; a deck; an enclosed porch; an open porch; and a three-car attached garage. The site is 0.342 acres.

The property's January 1, 2015, assessment was \$314,100, allocated as \$44,400 in land value, \$269,700 in improvement value. Caudron's protest to the Board of Review claimed the assessment was not equitable as compared with assessments of other like property and that the property was assessed for more than the value authorized by law under Iowa Code sections 441.37(1)(a)(1)(a-b).

The Board of Review denied the petition. Caudron then appealed to PAAB.

Findings of Fact

Caudron submitted a spreadsheet of five properties he believes support his claims. (Ex. 1). Caudron's spreadsheet included information about the properties as well as their 2013 through 2015 assessments. The following chart is a summary of Caudron's spreadsheet but only includes the 2015 assessment as the 2013 and 2014 assessments are not relevant to the current assessment year.

	Gross Living Area (GLA)	Basement Finish/Quality	2015 Assessed Value	2014 Sale Price	AV/SP Ratio	SP/SF
Subject	2490	416 Avg	\$314,100	N/A	N/A	N/A
1 - 4839 Bradford Ln	2242	1165 LQ	\$307,800	\$290,000	1.06	\$129.35
2 - 4801 Oxford Dr	1954	950 LQ	\$296,400	\$300,000	0.99	\$153.53
3 - 4801 Bradford Ln	1453	730 LQ	\$197,900	\$215,000	0.92	\$147.97
4 - 4825 Bradford Ln	2787	994 LQ	\$367,100	\$339,950	1.08	\$121.98
5 - 4909 Singing Ln	2319	950 LQ	\$285,400	\$264,500	1.08	\$114.06

Caudron analyzed the assessed value per square foot and sales price per square foot. He then added the 2015 assessed values and the 2014 sale prices and averaged those conclusions to arrive at an opinion of value for his property of roughly \$252,500. We find Caudron's analysis is not proper methodology to support either an equity claim or market value claim.

All five of Caudron's comparable properties sold in 2014 and can be compared to the 2015 assessment to develop an assessment/sales ratio. The assessment/sales ratio ranges from 0.92 to 1.08, with a median of 1.06 and an average of 1.03, which suggests a trend of slight over-assessment. Despite this, Caudron did not submit any evidence of the fair market value of his property, such as an appraisal, comparable sales adjusted for differences, or a cost analysis, which is necessary to support either an equity or fair market value claim.

The Board of Review's record includes a spreadsheet of five properties that the Board of Review considered in its decision. The following is a summary of that spreadsheet.

	Gross Living Area (GLA)	Sale Date	Sale Price	SP/SF
Subject	2490	N/A	N/A	N/A
4813 Oxford Dr	1934	Nov-14	\$279,500	\$144.52
6109 Four Seasons Dr	2002	Dec-13	\$247,000	\$123.38
6117 Pine View Dr	2032	Aug-13	\$218,000	\$107.28
4909 Singing Hills Blvd	2319	Jul-14	\$264,500	\$114.06
4839 Bradford Ln	2242	May-14	\$290,000	\$129.35

There is limited information in the record for us to determine if these properties are comparable to the subject for a market value analysis; and we lack the 2015 assessment values for all of the properties to determine an assessments/sales ratio.

Conclusions of Law

PAAB has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A (2015). PAAB 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). PAAB considers only those grounds presented to or considered by the Board of Review, but 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(1)(a-b). New or additional evidence may be introduced, and PAAB 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). 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 are to be considered in arriving at market value. *Id.* If sales are not

available to determine market value then “other factors,” such as income and/or cost, may be considered. § 441.21(2).

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.

In an appeal alleging the property is assessed for more than the value authorized by law under Iowa Code 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).

Caudron offered five properties he considered comparable to his for his inequity and over assessment claims. While the sales indicate a slight trend of over-assessment, Caudron did not submit a credible opinion of market value for his property. Without this information, the assessment/sale ratio cannot be applied to determine if his property is equitably assessed.

Although Caudron submitted five sales and the record includes three additional sales of properties that the Board of Review determined to be comparable, none of the sales were adjusted for differences to arrive an opinion of market value. Moreover, Caudron did not submit any other evidence of market value, such as a cost analysis or an appraisal, to demonstrate the property's assessment exceeds its market value.

For these reasons, we find the he has failed to show his property's assessment is inequitably assessed or assessed for more than authorized by law.

Order

IT IS THEREFORE ORDERED that the Sioux City Board of Review's action is affirmed.

This Order shall be considered final agency action for the purposes of Iowa Code Chapter 17A (2015). Any application for reconsideration or rehearing shall be filed with PAAB within 20 days of the date of this Order and comply with the requirements of PAAB administrative rules. Such application will stay the period for filing a judicial review action. Any judicial action challenging this Order shall be filed in the district court where the property is located within 20 days of the date of this Order and comply with the requirements of Iowa Code sections 441.38; 441.38B, 441.39; and Chapter 17A.

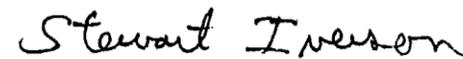
Dated this 24th day of May, 2016.



Karen Oberman, Presiding Officer



Jacqueline Rypma, Board Member



Stewart Iverson, Board Chair

Copies to:

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Tom Lee