

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

PAAB Docket No. 2019-057-00012R

Parcel No. 12144-01006-00000

**Carrie Bryner,**

Appellant,

vs.

**Linn County Board of Review,**

Appellee.

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**Introduction**

This appeal came on for hearing before the Property Assessment Appeal Board (PAAB) on October 3, 2019. Carrie Bryner was self-represented. Chief Deputy Assessor Tami McFarland represented the Linn County Board of Review.

Carrie and David Bryner own a residential property located at 3815 Green Valley Lane, Toddville. The property's January 1, 2019, assessment was set at \$417,400, allocated as \$93,900 in land value and \$323,500 in improvement value. (Ex. A).

Carrie Bryner petitioned the Board of Review contending the assessment was not equitable compared to the assessments of other like property. Iowa Code § 441.37(1)(a)(1). The Board of Review denied the petition. (Ex. B). Bryner reasserted her claim to PAAB, and also claimed the property is assessed for more than the value authorized by law. § 441.37(1)(a)(1 & 2).

**General Principles of Assessment Law**

PAAB has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A (2019). 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 may consider any grounds under Iowa Code section 441.37(1)(a) properly raised by the appellant following the provisions of section 441.37A(1)(b) and Iowa Admin. Code Rule 701-126.2(2-4). New or additional evidence may be introduced. *Id.* PAAB considers the record as a whole and all of the evidence regardless of who introduced it. *Id.*; 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, but the taxpayer has the burden of proof. §§ 441.21(3); 441.37A(3)(a). The burden may be shifted; but even if it is not, the taxpayer may still prevail based on a preponderance of the evidence. *Id.*; *Compiano v. Bd. of Review of Polk Cnty.*, 771 N.W.2d 392, 396 (Iowa 2009) (citation omitted).

### **Findings of Fact**

The subject property is a two-story home built in 1997. It has 2564 square feet of gross living area; a full, walk-out basement with 1425 square feet of rec-room and standard finish; a deck; a screened porch; and a 1470-square-foot stamped concrete patio. It is listed in normal condition with high quality construction (grade 2-10). The site is 2.39 acres. (Ex. A).

Bryner contends the assessment should be lowered to the 2017 value of \$394,000.

Bryner included eleven comparables that she believes support her assertion that her property is over assessed. These properties are summarized in the table below. (Exs. 1-9 & 11-12). Bryner made no adjustments to the comparable sales to account for differences to the subject property or to arrive at an opinion of market value as of January 1, 2019.

Comp	Address	Site Area (Acres)	Year Built	Gross Living Area (GLA)	Bsmt Finish	Sale Date	Sale Price	2019 Assessed Values	AV/SP Ratio
SP	Subject	2.39	1997	2564	1425	NA	0	\$417,400	NA
1	2840 Hunt Trail	1.69	1993	2277	1600	3/2018	\$381,000	\$411,800	1.08
2	4600 Deer View Rd	1.22	1994	2973	790	6/2018	\$395,000	\$474,600	1.20
3	9624 Deer Ridge Dr	1.13	1993	2393	785	8/2018	\$335,000	\$315,300	0.94
4	7477 Macon Dr	1.55	1990	3289	1100	5/2018	\$357,000	\$380,100	1.06
5	4850 Hunt Rd	1.86	1996	2112	1225	9/2018	\$380,000	\$372,300	0.98
6	9480 Darrell Dr	1.02	2000	1806	875	11/2018	\$340,000	\$307,000	0.90
7	9205 Darrell Dr	1.01	2001	2371	1215	2/2018	\$350,000	\$347,400	0.99
8	9165 Darrell Dr	1.00	2002	1829	185	6/2019	\$339,000	\$259,100	NA <sup>1</sup>
9	8007 Wildwood Ln	1.09	1977	2522	550	10/2018	\$280,000	\$279,500	1.00
10	3825 Green Valley Ln	2.00	1997	2553	NA	NA	NA	\$403,800	NA
11	3820 Green Valley Ln	2.09	1996	2552	NA	NA	NA	\$410,200	NA

Bryner asserts Comparables 1 through 9 that sold during 2018 and 2019 are the most similar properties and support a lower value for her property. Bryner explained some of the differences between the one-story comparables and her property and recognized they are not as good of comparables as the two-story properties.<sup>2</sup> Her main emphasis is that neighboring properties are not selling for more than \$400,000.

Bryner testified Comparable 2 is slightly larger and older with less acreage. This property is located the farthest away from her property of any of the comparables. She believes the sale price of \$395,000, which is similar to her prior assessment, is about what she would be able to sell her home for if it were put on the market.

She also believes Comparable 4 is a good comparable for her property. She notes it is larger but slightly older.

Finally, Bryner noted that Comparable 9 sold for significantly less than her current assessment. She does not believe that even though her home is 20-years newer it would command such a higher price in the market.

Comparables 10 and 11 have not sold but are nearby properties that she believes to be very similar in size, quality, location, and design to her home.

<sup>1</sup> Comparable 8 is a 2019 sale; AV/SP ratio is calculated using 2018 sales.

<sup>2</sup> One-story properties are highlighted in gray on the table.

Comparable 10 has the same footprint. She believes these two properties by virtue of their lower assessments show inequity in her assessment.

The assessed-value-to-sale-price ratios for the 2018 sales range between 0.90 and 1.20; with an average ratio of 1.02 and median ratio of 1.00. A ratio below 1.00 indicates a trend of under assessment and a ratio over 1.00 indicates a property may be over assessed.

The Board of Review was critical that five of Bryner’s comparable properties are one-story homes that they believe are not comparable to the subject. It also asserts the subject is far superior to the other two-story properties. (Ex. G). With the exception of 4600 Deer View Road, the Assessor has assigned a lower quality grade to the two-story comparables than the subject. (Ex. L).

The Board of Review reported forty-two sales that occurred during 2018 in subject’s same area. It asserts the subject’s assessment is supported by these sales that show a median assessed-value-to-sale-price ratio of 99.20. (Ex. G). The Board of Review further breaks down the sales within the neighborhood, stating fifteen were two-story sales that had a ratio of 102.99. (Ex. G). The Board of Review notes this is within the 95% to 105% range required by the Department of Revenue for equalization.

Tami McFarland explained the process for assessing the subject property and highlighted several comparables selected by the Board of Review. (Exs. G, K). The sales are set forth in the following table.

Address	Year Built	Gross Living Area	Sale Date	Sale Price	Price Per Square Foot
Subject	1997	2564	NA	NA	NA
9624 Deer Ridge Rd	1993	2393	8/2018	\$335,000	\$139.99
7001 S. Point Ln	1999	3015	5/2018	\$435,000	\$144.28
3985 Greystone Dr	1996	3569	6/2018	\$600,000	\$168.11

McFarland believes these sales support the subject property’s current assessment. (Ex. G). The Board of Review also adjusted these comparables in an attempt to show a range of value for the subject. (Ex. K). We note from reviewing

Exhibit K, it appears two of the properties (9624 Deer Ridge Rd and 3985 Greystone Dr) would require significant adjustments to be comparable to the subject.

The Board of Review also adjusted the four, two-story comparables Bryner submitted. (Ex. L). Like its own sales, it asserts the adjusted sale prices support the assessment. These values indicate a wide range of value from \$318,186 to \$483,731. (Ex. L).

Ultimately, the Board of Review noted the subject's current assessed value per square foot is \$162.79. That is within the range of sales prices per square foot for the comparables offered by both parties. (Ex. G). We note that while this is true, the properties were not assessed using this method.

Lastly, the Board of Review adjusted Bryner's two equity comparables. (Ex. F). The Board of Review again asserts the adjusted assessed values of these comparables support the subject's assessment. We recognize this analysis may have been completed only to contradict Bryner's similar analysis, but we note it is not proper methodology to adjust an assessed value in relation to an equity claim. Additionally, we question the completeness and reliability of the adjustments, which appear to be based on cost and do not appear to be market derived; likewise we echo this same critique when examining all of the Board of Review's adjustment grids. We specifically note a downward adjustment for garage size to 3820 Green Valley Lane whose garage is shown to be the same size as the subject. Further, adjustments are made for eleven and twelve square feet of difference in living area, and we question whether the market would recognize such minor differences. Nevertheless, we recognize the cumulative effect the subject's larger site size and other additional amenities likely explain some of the differences in the assessment.

### **Analysis & Conclusions of Law**

Bryner contends the subject property is inequitably assessed and over assessed. § 441.37(1)(a)(1 & 2).

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). Bryner offered no evidence of the Assessor applying an assessment method in a non-uniform manner.

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 (Iowa 1965). The *Maxwell* test provides that inequity exists when, after considering the actual values (2018 sales) and assessed values (2019 assessments) of comparable properties, the subject property is assessed at a higher portion of its actual value. *Id.* Bryner submitted eleven comparables including eight 2018 sales. They have a range of assessed-value-to-sale-price ratio between 0.90 and 1.20; with an average ratio of 1.02 and median ratio of 1.00. These ratios suggest that, in general, assessments are in line with sales prices in the area.

Bryner has demonstrated assessed-value-to-sale-price ratio for comparables, but must also show the subject property's actual value to complete the ratio analysis. Because a showing of the subject's actual value is also required in an over assessment claim, we will forego further analysis of the inequity claim and turn our focus to the over assessment claim.

In an appeal alleging the property is assessed for more than the value authorized by law under Iowa Code section 441.37(1)(a)(2), the taxpayer must show: 1) the assessment is excessive and 2) the subject property's correct value. *Soifer v. Floyd Cnty. Bd. of Review*, 759 N.W.2d 775, 780 (Iowa 2009) (citation omitted). Sale prices of the subject property or comparable properties in normal transactions are to be considered in arriving at market value. § 441.21(1)(b).

Bryner submitted eight 2018 sales of properties located in close proximity to the subject. Considering the sales offered, we find the two-story properties most similar to the subject. Of the three two-story property sales, the Board of Review asserts those properties are inferior to Bryner's. Although the record does not include full property record cards for these two-story comparables, Exhibit L generally indicates the subject offers some superior amenities relative to these properties. Specifically, it appears to have superior site, additional deck/patio/porch area, extra fireplaces, and a higher

quality grade. Bryner did not adjust the comparables to arrive at an opinion of value as of January 1, 2019; nor did she submit an appraisal or competitive market analyses which are typically used to demonstrate market value.

Additionally, even though it is not sufficient to simply compare other properties' assessments to succeed in an over assessment claim, the subject's assessment appears to be generally reasonable in light of differences between it and the comparables. The two most facially comparable properties in the record are 3825 Green Valley Lane and 3820 Green Valley Lane and they have assessments slightly below the subject property. According to Exhibit F, however, the subject property has a slightly larger lot, additional plumbing fixtures, greater deck/patio area, and an additional fireplace. Of the remaining two-story comparables offered, their assessments range from \$279,500, which appears to be an outlier, to \$474,600. The subject's assessment is within this range.

Based on the foregoing, we find that Bryner has failed to show her property is inequitably assessed or assessed for more than authorized by law.

### **Order**

PAAB HEREBY AFFIRMS the Linn County Board of Review's action.

This Order shall be considered final agency action for the purposes of Iowa Code Chapter 17A.

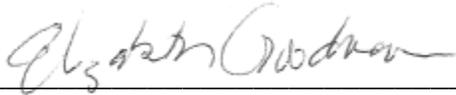
Any application for reconsideration or rehearing shall be filed with PAAB within 20 days of the date of this Order and comply with the requirements of PAAB administrative rules. Such application will stay the period for filing a judicial review action.

Any judicial action challenging this Order shall be filed in the district court where the property is located within 30 days of the date of this Order and comply with the requirements of Iowa Code section 441.37B and Chapter 17A.19 (2019).



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Dennis Loll, Board Member



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Elizabeth Goodman, Board Member



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Karen Oberman, Board Member

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