

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

PAAB Docket No. 2019-077-10084R

Parcel No. 320/02724-843-000

**Cheryl O'Braza,**

Appellant,

vs.

**Polk County Board of Review,**

Appellee.

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**Introduction**

This appeal was submitted for written consideration by the Property Assessment Appeal Board (PAAB) on July 24, 2020. Cheryl O'Braza was self-represented. Assistant Polk County Attorney Dominic Anania represented the Board of Review.

Cheryl O'Braza owns a residential property located at 2310 Valley Ridge Place, West Des Moines, Iowa. The property's January 1, 2019, assessment was set at \$205,200, allocated as \$28,600 in land value and \$176,600 in dwelling value. (Ex. A).

O'Braza petitioned the Board of Review contending the assessment was not equitable compared with the assessments of other like property. Iowa Code § 441.37(1)(a)(1) (2019). (Ex. C). The Board of Review denied her petition. (Ex. B).

O'Braza appealed to PAAB reasserting her claim.

**General Principles of Assessment Law**

PAAB has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A. PAAB is an agency and the provisions of the Administrative Procedure Act

apply. § 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 one-story townhome built in 2001. It has 1310 square feet of gross living area, 700 square feet of living-quarters quality basement finish, an open porch, a deck, and an attached garage. It is listed in normal condition with good-quality construction (grade 3-05). The site is 0.132 acres. (Ex. A).

O’Braza purchased the property in 2018 for \$210,000. (Ex. A). However, she asserts “what you have to pay for a property and what a property is assessed at are rarely if ever the same.” (Appeal). O’Braza contends the assessment will cause her financial difficulty. There is nothing in the record indicating the purchase was an abnormal transaction.

She submitted the property record cards of twelve townhomes on either side of hers noting their 2019 assessments did not increase as much as hers. O’Braza contends this demonstrates her assessment is not equitable. She also submitted a printout from the Assessor’s website listing information on all of the townhomes in Valley Ridge Place. (Ex. 1).

This list of townhomes shows the subject property was the only one in the development that sold in 2018. Two townhomes sold in 2017: 2323 Valley Ridge Place

sold in August for \$192,500 and 2344 sold in September for \$200,000. These properties are the same size and quality as O’Braza’s property, but lack any basement finish and have one less bathroom. (Ex. 1). The listing also shows two sales in 2019: 2342 Valley Ridge place sold in April for \$212,500 and 2346 Valley Ridge Place sold in December for \$215,000 These properties are each two years older than the subject, both lack basement finish, and neither have three bathroom fixtures like the subject. (Ex.1).<sup>1</sup>

The Board of Review analyzed O’Braza’s twelve neighboring townhomes noting their differing amenities. A summary of this analysis is contained in the following table. (Ex. D).

Address	Land Size(SF)	Year built	Gross living area (SF)	Basement finish (SF)	Veneer area	Bathrooms	Deck area	2019 Assessed Value
Subject	5743	2001	1310	700	120	2	182	\$205,200
1 – 2312 Valley Ridge	5360	1999	1310	0	64	1	100	\$176,900
2 – 2314 Valley Ridge	6794	1999	1310	0	64	1	100	\$177,300
3 –2308 Valley Ridge	5658	2001	1310	0	36	1	100	\$180,300
4 - 2306 Valley Ridge	5657	1998	1310	0	0	1	100	\$176,000
5 - 2302 Valley Ridge	13,468	1998	1310	0	32	1	92	\$171,600
6 - 2322 Valley Ridge	6439	1999	1310	0	32	1	200	\$178,800
7 - 2324 Valley Ridge	6352	2000	1450	0	32	1	92	\$186,100
8 - 2316 Valley Ridge	8226	1998	1450	0	20	1	272	\$187,800
9 - 2318 Valley Ridge	9677	1998	1450	0	16	1	192	\$185,900
10 - 2320 Valley Ridge	7097	1999	1310	750	32	1	92	\$197,800
11 - 2326 Valley Ridge	6142	2000	1450	0	32	1	92	\$186,500
12 - 2328 Valley Ridge	5932	2000	1310	0	32	2	200	\$181,100

As noted above, only the subject property sold in 2018. All of the townhomes have the same condition (normal) and the same quality grade (3-05). Only Comparable 10 has basement finish like the subject, but it has less veneer, fewer bathrooms, and a smaller deck. It is also slightly older than the subject. O’Braza’s basement finish alone adds \$26,390 to the assessment, before depreciation and other adjustments. Its larger

<sup>1</sup> The property record card for the subject identifies 2 bathrooms and 1 extra bathroom fixture, for a total of 3. All of the comparables, with the exception of Comparable 4, also have an extra bathroom finish, but only Comparable 12 has the same amount of fixtures as the subject. (Ex. D).

deck and veneer area also increases its assessment as compared to neighboring properties. These differences explain the subject's higher assessment.

The Board of Review also submitted an appraisal of the subject property completed for financing when O'Braza purchased the property. Michael Follett of First American Staff Appraisals, Johnston, Iowa, appraised the property as of September 11, 2018, by developing both the cost and sales comparison approaches to value. (Ex. E). Follett arrived at a value of \$218,000 in the cost approach and \$210,000 from the sales comparison approach. He determined the sales comparison approach was the most relevant, and his final opinion of market value was \$210,000.

Follett described the subject property in above-average condition, noting the lower level is finished with a bedroom, family room, and full bathroom. Of his six comparable properties, only one property (located at 2344 Valley Ridge Place) was in the subject's townhome community. This property had no basement finish and was therefore adjusted upward by \$10,500 to account for this difference. We note the appraised value of the subject property, just months before the assessment, is \$4,800 more than its assessed value.

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

O'Braza contends the subject property is inequitably assessed. § 441.37(1)(a)(1). She bears the burden of proof. § 441.21(3).

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). O'Braza offered the assessed values of neighboring properties to support her claim. However, the record indicates the differences in the assessments stem from the different amenities of these homes. Nothing in the record shows a non-uniform method of assessing these differences.

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) of comparable properties, the subject property is assessed at a higher proportion of its actual value. *Id.* O'Braza's home is the only property that sold in 2018. Nothing about the sale indicates it was anything but an arm's length transaction. Contrary to her belief that the price is not the same as the assessed value, the sale price of a property is to be considered by statute in arriving at market value. Iowa Code §441.21(1)(b). The best evidence of the market value of her home in the record is the appraisal of Micheal Follett performed at the time of O'Braza's purchase, which exceeds her assessment. Her neighboring properties do not have the same amenities as her home and have not recently sold. Properties in her neighborhood that sold after the assessment in 2019 indicate values higher than the subject's assessment.

Viewing the record as a whole, we conclude that O'Braza failed to show her property is inequitably assessed.

### **Order**

PAAB HEREBY AFFIRMS the Polk 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

Copies to:

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