

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

PAAB Docket No. 2015-107-01044R

Parcel No. 8847-09-126-006

Aristedis Stamoulis,

Appellant,

v.

Sioux City Board of Review,

Appellee.

Introduction

This appeal came on for a telephone hearing before the Property Assessment Appeal Board (PAAB) on December 7, 2015. Aristedis Stamoulis is self-represented. Attorney Jack Faith represented the Sioux City Board of Review.

Stamoulis is the owner of a one-story, residential dwelling located at 6101 Four Seasons Drive, Sioux City, Iowa. The subject property has 1707 total square feet of living area, a full basement with 1118 square feet of living-quarters finish, a 440 square-foot attached garage, a patio, and an open porch. It was constructed in 1986. The dwelling is listed in normal condition and with good quality construction (Grade 3+00). The site is 0.274-acres.

The property's January 1, 2015, assessment was \$234,000, allocated as \$35,600 in land value and \$198,400 to improvement value. Stamoulis' protest to the Board of Review claimed the assessment is not equitable as compared with assessments of other like property and an error in the assessment under Iowa Code section 441.37(1)(a)(1)(a) and (d). His error claim essentially asserts the property's land is inequitably assessed.

The Board of Review granted the protest and reduced the assessment to \$220,000, allocated \$35,600 to land value and \$184,400 to improvement value.

Stamoulis then appealed to PAAB. He believes the subject's correct assessment is \$180,000.

Findings of Fact

Stamoulis testified he purchased the property nearly thirty years ago and it has not been updated since. He explained the flooring, carpeting, appliances, counter tops, windows, siding, lighting, and cabinets are original. Stamoulis testified a similar sized property across the street at 6112 Four Seasons Drive, constructed by the same builder, sold a few years ago for \$145,000. Then in 2014, it resold for \$191,500 after \$45,000 to \$50,000 was invested in updating the property. Based on that sale history, he estimates it would take \$25,000 to update his property to be worth that much. Stamoulis did not provide any evidence to substantiate his testimony about the condition of the subject property or 6112 Four Seasons Drive.

Stamoulis also believes his basement finish value should be lower because there is no egress from the lower level. According to the IOWA REAL PROPERTY APPRAISAL MANUAL (2008) (pp 7-77) the \$21.50 per-square-foot cost new for Stamoulis' living quarters basement finish, would be \$26.00 per-square-foot for a walk-out basement and there would be an additional \$77.50 per-linear-foot (estimated) for the exposed exterior walls. Walk-out basement prices includes doors, windows and interior finish on exposed exterior wall. *Id.* His cost report does not include these extra items and reflects only costs for a non-walkout basement.

Stamoulis identified nine properties in the area that had recently sold for equity comparison.

Comp #	Address	Year Built	Total Finished Area	Sale Price
	Subject	1986	1707	
1	6112 Four Seasons Drive	1983	1694	\$191,500
2	4612 Hawthorne Drive	1991	1795	\$188,000
3	5904 Pine View Drive	1990	1802	\$188,000
4	5921 Four Seasons Drive		1658	\$180,000
5	4514 Pin Oak Court	1992		\$179,000
6	3109 Sumac Trail		1370	\$186,000
7	4910 Robin Court	1992	1635	\$193,000
8	4836 Robin Lane	1990	1635	\$187,000
9	4701 Stoneridge Court	2004	1758	\$210,000

Stamoulis did not provide any detailed information regarding these properties such as the construction quality, condition, basement size and finish, garage space, site, and amenities. Without this evidence, we cannot determine if these properties are comparable to the subject for an equity claim.

Stamoulis testified his lot is undesirable because it has little backyard and the larger front yard is unusable. He believes it benefits the neighboring property. He provided an aerial map illustrating the issues with his lot, which confirm his testimony. Stamoulis testified that his lot was heavily discounted when he purchased it for \$7850 in 1986. At that time, he reports other neighborhood lots were being sold for \$18,000 to \$20,000. He named several addresses of other lots with assessments near his \$35,600 land assessment that he felt were more desirable in shape, size, and function. Again, he did not provide any detailed assessment information regarding the size, shape, topography, or features of these sites for comparison and we were unable to identify them on the aerial photograph submitted. Accordingly, we were unable to determine whether his lot was inequitably assessed by this testimony.

The Board of Review did not offer any testimony or present any evidence. No assessment data was provided for any of the properties submitted to complete an assessment/sales ratio for an equity analysis.

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). In this case, Duster did not shift the burden, and therefore, must prove the assessment is inequitable based upon 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.

Stamoulis offered nine sale properties he considered comparable for an equity analysis. However, he did not provide detailed information regarding construction quality, condition, basement size and finish, garage size, and other amenities to determine whether they were comparable to his property. Additionally, we were not provided assessment information for these properties to develop an assessment/sales ratio for equity analysis as required by *Maxwell*. Likewise, Stamoulis did not submit detailed assessment lot data on the lots he compared which is necessary to determine whether his lot was assessed by a uniform assessing method applied to other lots in the area. For these reasons, Stamoulis failed to show his property is inequitably assessed.

Order

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

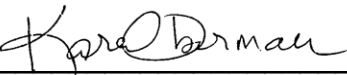
This Order shall be considered final agency action for the purposes of Iowa Code Chapter 17A (2015). Any application for reconsideration or rehearing shall be filed with PAAB within 20 days of the date of this Order and comply with the requirements of PAAB administrative rules. Such application will 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.

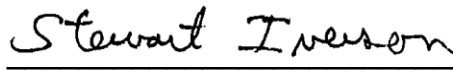
Dated this 14th day of January, 2016.



Jacqueline Rypma, Presiding Officer



Karen Oberman, Board Member



Stewart Iverson, Board Chair

Copies to:
Aristedis Stamoulis
Jack Faith