

BOARD OF EQUALIZATION, WASHOE COUNTY, NEVADA

FRIDAY

9:00 A.M

FEBRUARY 18, 2005

PRESENT:

Steven Sparks, Chairman
Gary Schmidt, Vice Chairman
William Brush, Member
Thomas Koziol, Member
John Krolick, Member

Nancy Parent, Chief Deputy Clerk
Peter Simeoni, Deputy District Attorney
Ernie McNeill, Senior Appraiser

The Board met pursuant to a recess taken on February 17, 2005, in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. The meeting was called to order by Chairman Sparks, the Clerk called the roll, and the Board conducted the following business:

9:00 A.M. - BLOCK 1

CONSOLIDATION OF HEARINGS

On motion by Member Koziol, seconded by Member Schmidt, which motion duly carried, Chairman Sparks ordered that the petitions recessed from February 16, 2005 be heard after the Roll Change Requests, hearings for petitioners in attendance be conducted in the order they appear on the agenda, and hearings in which no petitioners were present be heard subsequently. It was noted that during the first hearing the Board determined the motions from February 17, 2005 would be applied to the 9:00 a.m. block of hearings for February 18, 2005.

05-92E ROLL CHANGE REQUESTS – INCREASES

Following discussion, on motion by Member Schmidt, seconded by Member Krolick, which motion duly carried, Chairman Sparks ordered that Roll Change Requests Nos. 32 through 35, resulting in increases and placed on file with the Clerk, be approved for the reasons stated thereon.

05-93E HEARING NO. LT-0516 – EVELYN M. PEARCE
PARCEL NO. 123-161-25

A petition for Review of Assessed Valuation received from Evelyn M. Pearce, protesting the taxable valuation on land located at State Route 28, Crystal Bay,

Washoe County, Nevada, was set for consideration at this time. The property is MDS and designated single-family residence.

Gary Warren, Appraiser, duly sworn, oriented the Board as to the location of subject property.

Evelyn Pearce, Petitioner, was not present, but submitted the following document into evidence:

Exhibit A, a letter

Appraiser Warren submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s) including comparable sales, maps and subject's appraisal record, pages 1 through 9.

Appraiser Warren reviewed sales of comparable properties substantiating that the Assessor's total taxable value does not exceed full cash value. He explained the hearing was either on Attorney Tom Hall's A or B List and was pulled for an individual hearing today at the request of the Petitioner.

The Chairman closed the hearing.

Member Koziol inquired if the petition was set aside because there was a significant difference, and Chairman Sparks responded it was recessed to be heard today because the Petitioner had included a letter with the appeal.

Chairman Sparks made a motion to uphold the Assessor's taxable value for Parcel No. 123-161-25, and Member Krolick seconded the motion. On call for the question, the motion failed with all members voting, "no."

DECISIONS:

APPEAL ISSUE 1 - The eight percent (8%) land factor is invalid.

Based on the evidence presented by the Petitioners and the Assessor and on the finding that the Board questions the validity of the manner in which the land factor was determined, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," it was ordered that the taxable land values for those Petitioners whose properties received the eight percent (8%) factor be adjusted back to the taxable land values without the factor being applied. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

APPEAL ISSUE 2 - Failure to properly equalize within and without Washoe County and areas thereof.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Brush, which motion duly carried with Chairman Sparks and Member Koziol voting "no," the Board made the finding that failure to properly equalize properties within Washoe County has not been sufficiently demonstrated and that it is not within the Board's purview to equalize Washoe County properties with properties outside of Washoe County.

APPEAL ISSUE 3 - Failure to follow due process of law.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Chairman Sparks, which motion carried unanimously, the Board made the finding that there has been no failure to follow due process of law.

APPEAL ISSUE 4 - Failure to follow proper rules and regulations.

Based on the evidence submitted by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," the Board made the finding that there was a failure to follow proper rules and regulations properly.

APPEAL ISSUE 5 – Taxes on property too high.

Based on the evidence submitted by the Petitioner and the Assessor, on motion by Chairman Sparks, seconded by Member Krolick, which motion duly carried, it was ordered that no further adjustments to the taxable value of the subject property were warranted.

As a result of the foregoing decisions, the taxable value of the land on Assessor's Parcel No. 123-161-25 was reduced to \$383,000, for a total taxable value \$658,935.

05-94E HEARING NO. LT-0634 – MARJORIE L. HOOPER
PARCEL NO. 131-233-24

A petition for Review of Assessed Valuation received from Marjorie L. Hooper, protesting the taxable valuation on land located at 353 Wilderness Court, Incline Village, Washoe County, Nevada, was set for consideration at this time. The property is MDS and designated single-family residence.

Rigo Lopez, Appraiser, duly sworn, oriented the Board as to the location of subject property.

Marjorie Hooper, Petitioner, was not present, but submitted the following document into evidence:

Exhibit A, Escrow Closing Statement

Appraiser Lopez submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s) including comparable sales, maps and subject's appraisal record, pages 1 through 9.

Appraiser Lopez reviewed sales of comparable properties substantiating that the Assessor's total taxable value does not exceed full cash value.

Chairman Sparks commented the owners' opinion of market value was listed on the petition as \$15,800. He noted Exhibit A, which was provided by the Petitioner.

The Chairman closed the hearing.

DECISIONS:

APPEAL ISSUE 1 - The eight percent (8%) land factor is invalid.

Based on the evidence presented by the Petitioners and the Assessor and on the finding that the Board questions the validity of the manner in which the land factor was determined, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," it was ordered that the taxable land values for those Petitioners whose properties received the eight percent (8%) factor be adjusted back to the taxable land values without the factor being applied. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

APPEAL ISSUE 2 - Failure to properly equalize within and without Washoe County and areas thereof.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Brush, which motion duly carried with Chairman Sparks and Member Koziol voting "no," the Board made the finding that failure to properly equalize properties within Washoe County has not been sufficiently demonstrated and that it is not within the Board's purview to equalize Washoe County properties with properties outside of Washoe County.

APPEAL ISSUE 3 - Failure to follow due process of law.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Chairman Sparks, which motion carried unanimously, the Board made the finding that there has been no failure to follow due process of law.

APPEAL ISSUE 4 - Failure to follow proper rules and regulations.

Based on the evidence submitted by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," the Board made the finding that there was a failure to follow proper rules and regulations properly.

APPEAL ISSUE 5 – Taxes on property too high.

Based on the evidence submitted by the Petitioner and the Assessor, on motion by Chairman Sparks, seconded by Member Krolick, which motion duly carried, it was ordered that no further adjustments to the taxable value of the subject property were warranted.

As a result of the foregoing decisions, the taxable value of the land on Assessor's Parcel No. 131-233-24 was reduced to \$600,000, for a total taxable value \$691,785.

05-95E HEARING NO. LT-0905 – THOMAS C. & NANCY M. D'ANGELO
PARCEL NO. 122-052-11

A petition for Review of Assessed Valuation received from Thomas C. and Nancy M. D'Angelo, protesting the taxable valuation on land located at 629 Woodridge Circle, Incline Village, Washoe County, Nevada, was set for consideration at this time. The property is MDS and designated single-family residence.

Ivy Diezel, Appraiser, duly sworn, oriented the Board as to the location of subject property.

Thomas and Nancy D'Angelo, Petitioners, were not present, but submitted the following documents into evidence:

- Exhibit A, letter and photograph
- Exhibit B, First American Title Company of Nevada Escrow Summary
- Exhibit C, letter and right of entry from Washoe County Water Resources

Appraiser Diezel submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s) including comparable sales, maps and subject's appraisal record, pages 1 through 7.

Appraiser Diezel testified the Petitioners cited that they had an easement consideration. She explained that she contacted the Washoe County Engineering Department and was told it was a Right of Entry and not an easement that was necessary to complete the work for a watershed project. She stated the Engineering Department confirmed the project had been completed, and the Right of Entry was good for five years; however, the map supplied by the Petitioners made it difficult to determine if the

pipe was on the subject property or the neighboring property. Appraiser Diezel said there were no property dimensions on the map, and it appeared that the easement was on the neighboring property. She noted there was a manhole in the street; the underground pipe had been installed; and any required maintenance would be done through the manhole. Appraiser Diezel confirmed the Right of Entry would be necessary if the pipe failed. She acknowledged she had no recommendation for adjustments on this type of an easement, as it did not appear to be invasive into the property owners' parcel.

Chairman Sparks commented on the Exhibits presented by the Petitioners.

Member Schmidt remarked on Exhibit C and asked if the Appraiser Diezel agreed that it was a temporary Right of Entry. Appraiser Diezel concurred, and she stated she did not see a detriment to the property due to the Right of Entry.

The Chairman closed the hearing.

DECISIONS:

APPEAL ISSUE 1 - The eight percent (8%) land factor is invalid.

Based on the evidence presented by the Petitioners and the Assessor and on the finding that the Board questions the validity of the manner in which the land factor was determined, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," it was ordered that the taxable land values for those Petitioners whose properties received the eight percent (8%) factor be adjusted back to the taxable land values without the factor being applied. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

APPEAL ISSUE 2 - Failure to properly equalize within and without Washoe County and areas thereof.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Brush, which motion duly carried with Chairman Sparks and Member Koziol voting "no," the Board made the finding that failure to properly equalize properties within Washoe County has not been sufficiently demonstrated and that it is not within the Board's purview to equalize Washoe County properties with properties outside of Washoe County.

APPEAL ISSUE 3 - Failure to follow due process of law.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Chairman Sparks, which motion carried unanimously, the Board made the finding that there has been no failure to follow due process of law.

APPEAL ISSUE 4 - Failure to follow proper rules and regulations.

Based on the evidence submitted by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," the Board made the finding that there was a failure to follow proper rules and regulations properly.

APPEAL ISSUE 5 – Adverse factors were not considered or given enough weight by the Assessor.

Based on the evidence submitted by the Petitioner and the Assessor, on motion by Chairman Sparks, seconded by Member Schmidt, which motion duly carried, it was ordered that no further adjustments to the taxable value of the subject property were warranted.

As a result of the foregoing decisions, the taxable value of the land on Assessor's Parcel No. 122-052-11 was reduced to \$340,000, for a total taxable value of \$475,500.

05-96E HEARING NO. LT-1206 – MAX SOBOL, TR.
PARCEL NO. 123-101-01

A petition for Review of Assessed Valuation received from Max Sobol, protesting the taxable valuation on land and improvements located at 526 Gonowabie Road, Incline Village, Washoe County, Nevada, was set for consideration at this time. The property is MDS and designated single-family residence.

Gary Warren, Appraiser, duly sworn, oriented the Board as to the location of subject property.

Max Sobol, Petitioner, was not present, but submitted the following documents into evidence:

- Exhibit A, Authorization for Representation
- Exhibit B, Reason for owner's opinion of value and letter
- Exhibit C, Time Adjustment chart
- Exhibit D, map

Appraiser Warren submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s) including comparable sales, maps and subject's appraisal record, pages 1 through 10.

Appraiser Warren requested that a recommendation from the Assessor be considered based on a redrawing of the subject property in 2004. He said the recommended reduction deducts the depreciated replacement cost of the double counted

basement areas. Appraiser Warren reviewed sales of comparable properties substantiating that the Assessor's total taxable value does not exceed full cash value.

The Chairman closed the hearing.

DECISIONS:

APPEAL ISSUE 1 - The eight percent (8%) land factor is invalid.

Based on the evidence presented by the Petitioners and the Assessor and on the finding that the Board questions the validity of the manner in which the land factor was determined, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," it was ordered that the taxable land values for those Petitioners whose properties received the eight percent (8%) factor be adjusted back to the taxable land values without the factor being applied. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

APPEAL ISSUE 2 - Failure to properly equalize within and without Washoe County and areas thereof.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Brush, which motion duly carried with Chairman Sparks and Member Koziol voting "no," the Board made the finding that failure to properly equalize properties within Washoe County has not been sufficiently demonstrated and that it is not within the Board's purview to equalize Washoe County properties with properties outside of Washoe County.

APPEAL ISSUE 3 - Failure to follow due process of law.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Chairman Sparks, which motion carried unanimously, the Board made the finding that there has been no failure to follow due process of law.

APPEAL ISSUE 4 - Failure to follow proper rules and regulations.

Based on the evidence submitted by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," the Board made the finding that there was a failure to follow proper rules and regulations properly.

APPEAL ISSUE 5 – Error in appraisal.

Based on the evidence submitted by the Petitioner and the Assessor that there had been an error in costing the basement areas, and as recommended by the Assessor, on motion by Chairman Sparks, seconded by Member Brush, which motion duly carried, it was

ordered that the taxable value of the improvements on Parcel No. 123-101-01 be reduced to \$587,681. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

As a result of the foregoing decisions, the taxable value of the land was reduced to \$1,050,000 and the taxable value of the improvements was reduced to \$587,681 for a total taxable value on Parcel No. 123-101-01 of \$1,637,681.

05-97E HEARING NO. LT-0004 – GEORGE AND BARBARA FREDERIC
PARCEL NO. 131-211-07

A petition for Review of Assessed Valuation received from George and Barbara Frederic, protesting the taxable valuation on land located at 575 Fairview Boulevard, Incline Village, Washoe County, Nevada, was set for consideration at this time. The property is zoned MDS and designated single-family residence.

Rigo Lopez and Josh Wilson, Appraisers, duly sworn, oriented the Board as to the location of subject property.

George Frederic, Petitioner, was sworn and submitted the following documents into evidence:

- Exhibit A, letter detailing reason for appeal
- Exhibit B, Tahoe Regional Planning Agency (TRPA) maximum heights for buildings
- Exhibit C, photographs
- Exhibit D, East Slope sales of single-family residences

In response to Petitioner Frederic, Chairman Sparks confirmed the decisions from February 17, 2005 would apply to the subject parcel.

Petitioner Frederic testified that the documents he presented to the Board demonstrated the subject property was substantially over the market value. He further testified that consideration of a reasonable ratio of land to building should be reflected in the appraised valuations. He said the subject property was at its highest and best use for the house and land when improved with a structure in 1968. Petitioner Frederic noted the Assessor did not consider the present restrictions of TRPA. He described the negative impact TRPA's future 2007 Pathway Planning could have on the subject parcel. Petitioner Frederic reviewed Exhibit C and disputed his view category. He detailed each of these areas, which were outlined in the documents submitted as evidence. He requested the Board reconsider his view classification, take into consideration TRPA's current restrictions for new improvements, the impact of TRPA's future 2007 Pathway Planning, and reduce the market value of the subject property to \$610,230. Petitioner Frederic concluded the property would not sell to a prudent buyer for the total valuation set by the Assessor with the various listed considerations and restrictions placed on a new building.

In response to Member Schmidt, Petitioner Frederic confirmed the view was reassessed in 2004 by the Assessor's Office, and he currently has a 10 percent reduction for slope.

Appraiser Wilson requested that all the Assessor's Exhibits presented on February 16 and 17, 2005 be submitted into the record for the hearings of the morning block of February 18, 2005. Chairman Sparks concurred. Appraiser Wilson commented on the appeal issues that were to be applied to the hearings for the morning block. He explained the 8 percent land factor and emphasized the statistical analysis of the factor. He confirmed the State of Nevada Tax Commission approved the 8 percent land factor. Appraiser Wilson addressed the appeal issue of failure to follow proper rules and regulations.

In reference to view property, Appraiser Wilson stated in July 2004 the Assessor's Office wrote to the State of Nevada Department of Taxation expressing specific concerns regarding the proposed regulations of 361.118(1)(f)(1) requiring the appraiser to determine any view influence by standing on the land of the respective parcel. Appraiser Wilson said the Assessor's Office was concerned that this part of the regulation was in direct conflict with NRS 361.227 and 361.228. These statutes require that the Assessor's Office value the land at full cash value, and that the view must be considered in the valuation process. Appraiser Wilson declared the Assessor's Office believes that in order to fully comply with NRS 361.227 and 361.228 one cannot inhibit the consideration of things such as view. He said view attributes value to the land. He quoted a draft response from Charles Chinnock, Executive Director of the State of Nevada Department of Taxation, stating, "View is an attribute which attaches to land and is to be determined from the land and should reflect a view that would occur if a typical improvement were to be built on the parcel. If the typical home in the neighborhood were say a two story, then based upon this reasoning one would be interested in the view that would be obtained from a two-story improvement. But, what is truly important is to consider what the market place reacted to." He further quoted from the draft response from Mr. Chinnock stating, "It is the Department's position that the intent of the regulation is to consider the view that would be available if a typical improvement were to be built." Appraiser Wilson noted that, when this was being discussed, the Assessor's Office put together a booklet to verify where realtors determine the view influence whether from standing on the land or from the improvement. He concluded there was not one instance where the realtors were standing on the land to determine the view influence of the parcels according to the flyers in the booklet. Appraiser Wilson stated this was why the Assessor's Office would be seeking further review in determining whether or not this newly adopted regulation was in direct conflict with the full cash value concept as established in NRS 361.227.

Appraiser Wilson submitted the following document into evidence:

Exhibit III, booklet of real estate flyers

Member Schmidt inquired if this Board had the authority to set aside the factor, specifically because it had to be approved by the State of Nevada Tax Commission. He inquired if the Assessor would agree that, based upon opinions here, the issue was still open and a motion could still be made before this Board to set aside the factor because it was improperly constructed. Ernie McNeill, Senior Appraiser, stated it would be appropriate to direct that question to Legal Counsel. Member Schmidt verified it would have to be directed to the Assessor's Legal Counsel; and if the Assessor's staff would care to get him, he suggested they do so, because he had a feeling he was going to make a further motion later in this hearing.

Appraiser Wilson stated his recall of the motion from February 17, 2005 did not reflect the statistical analysis conducted by the Assessor's Office in determining the appropriate factor for Area One to be invalid. He said he heard no discussion as to whether the median was incorrectly calculated. He verified that he heard discussion about 25 land sales that were deemed to potentially not follow the newly established regulation, as clearly indicated by Member Schmidt. Member Schmidt agreed. Appraiser Wilson acknowledged that NRS 361.260 (Paragraph 5) was what governs factoring. He noted the statutes that were debated on February 17, 2005 govern the reappraisal process at which time the full cash value of the land was established.

Member Schmidt asked Appraiser Wilson if he recalled when he was preparing to make the motion on Appeal Issue 1 that he indicated he would like to make two motions on the issue, and the Chairman said he did not want multiple motions on Appeal Issue 1. Member Schmidt said he deferred to the Chair at that point in time as a matter of courtesy to the Chair and to the Board, even though he believed he did not have to. Appraiser Wilson stated he was in attendance at the hearing.

Appraiser Lopez submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s) including comparable sales, maps and subject's appraisal record, pages 1 through 9.

Exhibit II, photographs

Appraiser Lopez reviewed sales of comparable properties substantiating that the Assessor's total taxable value does not exceed full cash value. He further testified he visited the property with Appraiser Ivy Diezel on May 28, 2003 and took the photos in Exhibit II. At a later date, Appraisers Lopez and Ron Sauer visited the subject parcel and discussed the amount of coverage on the parcel with Petitioner Frederic. Appraiser Lopez noted the information the Petitioner shared about the coverage was used to determine the final coverage. He confirmed the figures were accurate, as they were taken off a survey map.

In response to Member Krolick, Appraiser Wilson said the Assessor's Office does not believe that someone physically standing on the land took any of photographs to obtain the views in Exhibit III. Member Krolick stated marketing was all about attracting a potential buyer to the property. Appraiser Wilson stated Exhibit III

was presented to indicate what the market places value on, and view is a large component of value in the Lake Tahoe market.

Appraiser Lopez stated view and coverage were a consideration of valuation for this parcel. He explained this parcel came before the Board in 2004 and the value from the Assessor was upheld. Petitioner Frederic appealed to the State Board of Equalization and the State Board reduced the land valuation by 10 percent due to the height restrictions that would be set against the parcel if the residence was to be demolished. Appraiser Lopez acknowledged the Assessor did not remove the 10 percent adjustment given by the State Board. He said he did not dispute the height restrictions, but he would dispute a further adjustment for curb appeal or other factors. He confirmed he supported the view classification and the coverage on the parcel.

In response to Member Krolick, Appraiser Lopez explained the difference between view classifications of V-5 and V-6. A discussion ensued regarding trees and how they would impact view over time. Appraiser Lopez confirmed the Assessor's valuation was specific to the date of the appraisal. Members Krolick and Schmidt argued that the market takes into account the growth of trees.

Member Koziol inquired if Exhibit III was used as a reference tool. Appraiser Lopez concurred and clarified it was not used exclusively. Member Brush asked if Exhibit III was used as a guide when appraisals were being completed; and Appraiser Lopez said it was not, and no view classifications were given to the photographs. He explained the Assessor has an internal document that was used as a reference manual for verifying view, and he noted where the manual was located.

Appraiser Lopez expressed some realtors have their own rating systems for views, and view was a huge consideration when listing parcels.

Member Schmidt said the Petitioner gave a convincing argument concerning the issues of slope, TRPA restrictions, and coverage. He asked Appraiser Lopez if he had any evidence to offer to dispute any of his arguments in that regard.

Appraiser Lopez said the Assessor continues to analyze market data that becomes available through sales of properties with coverage and height restrictions because these were components of the overall value. He confirmed he had not received any market data from the Petitioner. Appraiser Lopez explained what was being discussed was a hypothetical situation concerning the residence being removed, and he confirmed nothing had been submitted that would reference a teardown. Appraiser Lopez explained the residence sits below street level; and, if the residence was removed, only a two-story residence could be built and the view would remain because the photographs were taken from the bottom floor when the issue of the view was addressed. Member Schmidt said the Petitioner did not make arguments within the context of view. He clarified that the Petitioner made arguments in the context of how much square footage he would end up with; what size of a house could be reconstructed; and a future

opportunity to build a trophy house. Appraiser Lopez said the Assessor would consider any market data presented by the Petitioner.

Member Schmidt stated it would not have to be market data, as all things could be considered in the matter of equalization; and, if comparable properties were being used against this property that did not have these restrictions, that could be used without going to market data.

Appraiser Lopez commented on his comparables and how they compare to the subject parcel.

Chairman Sparks remarked that the access of the home could be changed, and Appraiser Lopez concurred, but said it would be costly.

In rebuttal, Petitioner Frederic discussed the comparable sales he had gathered to show an average price of \$600,000. He noted his view was restricted to the south, and it should be rated at V-5. Petitioner Frederic said the Assessor should put more weight on the impervious coverage of which one could build on the property. He stated the Assessor's comparable sales were not comparable to the subject property because luxury houses could be built on those lots, while that was not the case for his property. Petitioner Frederic expressed the Assessor needed to make allowances for individual properties.

The Chairman closed the hearing.

Member Schmidt said he could support an additional 10 percent reduction on the land value of the property based upon the evidence.

Member Schmidt commented that there was an opinion by the Board's Legal Counsel concerning the factor and no opinion given by Legal Counsel of the Assessor's Office. He said the Assessor's Office was given that opportunity yesterday; Legal Counsel was not present; and he was not present today, nor had he presented evidence.

Member Schmidt made the following statements: It was the Tax Commission that approves the factor; however, it was the Assessor's Office over which this body has purview that creates the factor. There was a reasonable interpretation of the law that what the Tax Commission approved was whether or not the factor falls within the 30 or 35 percent. Member Schmidt said he believed it was a reasonable interpretation of the law that they do not look to the statistical analysis, and they do not redo all of the work of the Assessor's Office. He declared that would not be a conditional approval, but a partial review. He stated he believed the Tax Commission properly approved it because it does fit that perimeter as described by the law. Further, there has been indication that since the Tax Commission was a State agency that this body has no purview over any of their acts. He said that was in dispute, and it has only been argued by the Board's Legal Counsel and not by the Assessor's Counsel. Chairman Sparks refuted that, and Member

Schmidt said it was opined. Member Schmidt expressed that he was offended and in some ways incensed that the Director of Taxation, the Tax Commission, nor their Legal Counsels or any independent representative of the Attorney General's Office choose to come forward and participate in this process, which was well published and was the most important issue before the Legislature this year.

Member Schmidt stated he was prepared to make a motion in regard to the factor. Chairman Sparks said he would rather the Board not make any motions because it was a continuation, and he believed the issue had been dealt with. Member Schmidt said he would make the motion and if it dies for lack of a second, it dies for lack of a second. In further consideration, Member Schmidt stated, anything the Board decides would be subject to review by the State Board of Equalization and the State Board was appropriately advised by the Attorney General's Office. He added he believed in the concept of no harm, no fowl. Member Schmidt acknowledged if his motion was beyond the authority of this Board, which he confirmed was subject to dispute, there was the due process that the State has the authority and the opportunity to so opine, which they have neglected to do before this body.

Member Schmidt made a motion to set aside the factor because it was based upon a misapplication of the law. He said the motion was based upon the evidence presented in the hearing, which would incorporate all of the evidence of February 16 and 17, 2005, and the evidence presented by the Petitioner and the Assessor's Office on February 18, 2005. There was no second to the motion and the motion died.

Member Krolick said he would support a motion to change the view classification from V-6 to V-5, and he would support an additional 10 percent reduction due to slope. Chairman Sparks made a motion to uphold the value of the improvements; to adjust the view classification from a V-6 to a V-5; and to reduce the land value 10 percent due to slope. Member Krolick seconded the motion.

Chairman Sparks stated he made the motion at the request of the Board, but he would not support a change in the view classification because he did not want to set a precedence that the Board could appraise views sitting from the bench. Member Schmidt said he would support the motion, although he would have preferred a motion to adjust the taxable land value down an additional 10 percent for the multitude of conditions described by the Petitioner.

On call for the question, the motion failed with Members Krolick and Schmidt voting "yes," and Members Brush, Koziol, and Sparks voting "no."

DECISIONS:

APPEAL ISSUE 1 - The eight percent (8%) land factor is invalid.

Based on the evidence presented by the Petitioners and the Assessor and on the finding that the Board questions the validity of the manner in which the land factor was determined, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," it was ordered that the taxable land values for those Petitioners whose properties received the eight percent (8%) factor be adjusted back to the taxable land values without the factor being applied. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

APPEAL ISSUE 2 - Failure to properly equalize within and without Washoe County and areas thereof.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Brush, which motion duly carried with Chairman Sparks and Member Koziol voting "no," the Board made the finding that failure to properly equalize properties within Washoe County has not been sufficiently demonstrated and that it is not within the Board's purview to equalize Washoe County properties with properties outside of Washoe County.

APPEAL ISSUE 3 - Failure to follow due process of law.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Chairman Sparks, which motion carried unanimously, the Board made the finding that there has been no failure to follow due process of law.

APPEAL ISSUE 4 - Failure to follow proper rules and regulations.

Based on the evidence submitted by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," the Board made the finding that there was a failure to follow proper rules and regulations properly.

APPEAL ISSUE 5 – Adverse factors were not considered or given enough weight by the Assessor.

Based on the evidence submitted by the Petitioner and the Assessor, that adverse factors were not considered, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried, it was ordered that the taxable value of the land on Parcel No. 131-211-07 be reduced an additional 10 percent, and the taxable value of the improvements be upheld. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

As a result of the foregoing decisions, the taxable value of the land on Assessor's Parcel No. 131-211-07 was reduced to \$640,000.

11:15 a.m. The Board recessed.

11:30 a.m. The Board reconvened with all Members present.

Member Schmidt disclosed he had been in contact with his attorney, and they are in the midst of an investigation. He said they believe there may have been an attempt to force him to resign from this Board, and/or to embarrass him within the community. Member Schmidt stated they believe this attempt could be motivated by individuals because they do not like the messenger or the message related to comments that he makes, under his rights granted by the First Amendment of the United States Constitution and under State statutes, before various public bodies under public comments, including this body. He confirmed they do not believe at this time that there was a direct intent to influence his position or his votes on this Board and if there was, it failed. Member Schmidt expressed he had been considering resigning from the Board at the end of this year before any of these events took place; however, based upon the events that have occurred, all efforts have failed. He declared he has every intention to serve one additional year on the Board.

05-98E HEARING NO. LT-0009 – KENNETH BAKST, ET AL
PARCEL NO. 122-181-51

A petition for Review of Assessed Valuation received from Kenneth Bakst, et al, protesting the taxable valuation on land and improvements located at 835 Lakeshore Boulevard, Incline Village, Washoe County, Nevada, was set for consideration at this time. The property is zoned MDS and designated single-family residence.

Gary Warren, Appraiser, duly sworn, oriented the Board as to the location of subject property.

Kenneth Bakst, Petitioner, was sworn and submitted the following documents into evidence:

Exhibit A, Exhibits 1-27

Petitioner Bakst testified that at the County Board of Equalization (BOE) meeting in February 2004 he was awarded an additional 10 percent reduction because of the severe inconvenience associated with the Incline Village General Improvement District (IVGID) easement on his property. He further testified that the Assessor appealed the award to the State BOE, and the decision was reversed based on incomplete and erroneous information presented by the Assessor. Petitioner Bakst pointed out photographs in Exhibit A that disputed the information. He commented on the comparables presented by the Assessor, and he stated the Assessor has established his parcel as one of the most expensive on the lake per square foot. Petitioner Bakst

explained his parcel receives a 10 percent allowance because of sewer pump station No. 5. He reviewed photographs in Exhibit A, and he described the impact of the easement on his property. He stated the 10 percent adjustment originally given by the Assessor gives him nothing because it does not begin to recognize the loss of usable land and the annoyance of IVGID's constant and unpredictable use of the driveway. Petitioner Bakst said the easement prevented him from expanding the lower floor and forced him to cantilever the upper floor to comply with the easement, and that affected the value of the home. He further stated the impacts of the IVGID easement, the construction alteration due to the IVGID easement, the sewer line that runs across the lawn, the utility easement, and the pump on the property should bring about more than a 10 percent adjustment. Petitioner Bakst confirmed, if comparables were used, his assessed value should be \$1.2-million; and, if a time factor was used, his assessed value should be \$1.3-million. He presented in detail Exhibit A to substantiate his claims. He requested the Board reinstate the 10 percent adjustment at the very least.

Chairman Sparks discussed the service record from IVGID, Exhibit II, with the Petitioner, and Chairman Sparks questioned the accuracy of the record because it did not line up with the Petitioner's photographs.

Appraiser Warren submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s) including comparable sales, maps and subject's appraisal record, pages 1 through 9.

Exhibit II, Record from IVGID concerning pump station No. 5.

Appraiser Warren reviewed sales of comparable properties substantiating that the Assessor's total taxable value does not exceed full cash value. He further testified that the sewer easement and pump had been given a 10 percent reduction in value for a number of years, and he believed the reduction was adequate to acknowledge the inconvenience and the detrimental impact on the property. He said the reduction equates to approximately \$300,000. He reviewed Exhibit II, which outlined the amount of time IVGID maintenance occurred on the subject parcel. He responded to the photographs in Exhibit A, and he explained the purpose of the visit in August of 2004 was in response to an appeal filed by the Petitioner and other property owners claiming that the classification of the shoreline was not correct. Appraiser Warren further explained the date of the inspection was set through the Petitioner and his representative, and the purpose of the photographs was to show that the Assessor had properly classified the lake frontage. The photographs were presented before the State BOE because those were additional issues at the State hearing. Appraiser Warren stated the easement did not reduce the net use of the area; he had no knowledge of a utility easement; and IVGID attempts to minimize the impact and inconvenience to the Petitioner beyond what was required of them to service the sewer pump.

In response to Member Schmidt, Appraiser Warren explained 10 percent was a common deduction for pumps and access easements that were similar to the subject property. He acknowledged that the adjoining property was also given a 10 percent

deduction. Member Schmidt stated the majority of the easement was on the Petitioner's parcel, which would reflect an inequity or lack of equalization for the deduction. Appraiser Warren confirmed that the inconvenience imposed by the easement was examined, and both parcels deemed to be impacted. He clarified that the driveway was not common; the pump housing was on the property line; and the majority of easement was on the subject property.

In rebuttal, Petitioner Bakst explained the driveway and what areas have common access. He said he would stand on his presentation that outlined the inconvenience and disruption of the easement, the inability to build without limitations, and having to submit architectural plans to the easement to change it. He said there was no provision given for the pavers, and IVGID does not share in normal maintenance of the driveway.

The Chairman closed the hearing.

Member Schmidt said he would support a motion for an adjustment of 15 percent for the subject parcel.

Member Krolick stated a detriment such as this on a property in a price range where there are a few buyers would substantially impact the ability of the owner to sell the property on the open market. He said a further reduction based on how that would impact the property would be justified. Member Schmidt agreed, and said the adjoining property has the same 10 percent adjustment, and the impact on subject parcel was far greater.

Member Schmidt made a motion to reduce the base lot value an additional 15 percent, and Member Krolick seconded the motion.

Chairman Sparks clarified the motion would approve the easement adjustment of 10 percent, plus an additional 15 percent to equal 25 percent. He noted the subject was already receiving a 35 percent reduction because of the shape of the lot, so the total adjusted base lot, before the pier, would be 60 percent. Member Schmidt said the shape of the lot was not before the Board today, and that did not influence him. Member Krolick stated he thought the motion was to reduce the base lot value by 10 percent, and not 15 percent and he withdrew his second. The motion failed for lack of a second.

Appraiser Warren clarified the 35 percent reduction reflects the flag shaped lot. He stated the base lot value without the shape adjustment, easement, and the pier would be \$4,374,000.

DECISIONS:

APPEAL ISSUE 1 - The eight percent (8%) land factor is invalid.

Based on the evidence presented by the Petitioners and the Assessor and on the finding that the Board questions the validity of the manner in which the land factor was determined, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," it was ordered that the taxable land values for those Petitioners whose properties received the eight percent (8%) factor be adjusted back to the taxable land values without the factor being applied. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

APPEAL ISSUE 2 - Failure to properly equalize within and without Washoe County and areas thereof.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Brush, which motion duly carried with Chairman Sparks and Member Koziol voting "no," the Board made the finding that failure to properly equalize properties within Washoe County has not been sufficiently demonstrated and that it is not within the Board's purview to equalize Washoe County properties with properties outside of Washoe County.

APPEAL ISSUE 3 - Failure to follow due process of law.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Chairman Sparks, which motion carried unanimously, the Board made the finding that there has been no failure to follow due process of law.

APPEAL ISSUE 4 - Failure to follow proper rules and regulations.

Based on the evidence submitted by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," the Board made the finding that there was a failure to follow proper rules and regulations properly.

APPEAL ISSUE 5 – Adverse factors were not considered or given enough weight by the Assessor.

Based on the evidence submitted by the Petitioner and the Assessor that adverse factors were not considered, on motion by Member Krolick, seconded by Member Brush, which motion duly carried, it was ordered that the taxable value of the land on Parcel No. 122-181-51 be reduced an additional 5 percent, and the taxable value of the improvements be upheld. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

As a result of the foregoing decisions, the taxable value of the land on Assessor's Parcel No. 122-181-51 was reduced to \$2,687,000.

12:35 p.m. The Board recessed.

12:43 p.m. The Board reconvened with all members present.

05-99E **HEARING NO. LT-0011 – ERNEST A. AND GRACE A. TRUJILLO**
PARCEL NO. 130-170-07

A petition for Review of Assessed Valuation received from Ernest A. and Grace A. Trujillo, protesting the taxable valuation on land located at 1045 Tiller Drive, Incline Village, Washoe County, Nevada, was set for consideration at this time. The property is zoned MDS and designated single-family residence.

Joe Johnson, Appraiser, duly sworn, oriented the Board as to the location of subject property.

Ernest Trujillo, Petitioner, was sworn and submitted the following documents into evidence:

Exhibit A, letter, authorization for representation, article from Nevada Property Tax Revolt

Petitioner Trujillo requested his appeal be included with those petitioners identified in the agenda dated February 16 and 17, 2005 and that he be granted the same 8 percent reduction in the land value for the subject parcel.

Appraiser Johnson submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s) including comparable sales, maps and subject's appraisal record, pages 1 through 9.

Appraiser Johnson stated the Assessor would stand on their written presentation.

The Chairman closed the hearing.

DECISIONS:

On motion by Member Brush, seconded by Member Schmidt, it was ordered that Parcel No. 130-170-07 be included as part of the consolidated hearings of February 16 and February 17, 2005, and the decisions from those hearings be applied to the subject parcel.

APPEAL ISSUE 1 - The eight percent (8%) land factor is invalid.

Based on the evidence presented by the Petitioners and the Assessor and on the finding that the Board questions the validity of the manner in which the land factor was determined, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," it was ordered that the taxable land values for those Petitioners whose properties received the eight percent (8%) factor be adjusted back to the taxable land values without the factor being applied. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

APPEAL ISSUE 2 - Failure to properly equalize within and without Washoe County and areas thereof.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Brush, which motion duly carried with Chairman Sparks and Member Koziol voting "no," the Board made the finding that failure to properly equalize properties within Washoe County has not been sufficiently demonstrated and that it is not within the Board's purview to equalize Washoe County properties with properties outside of Washoe County.

APPEAL ISSUE 3 - Failure to follow due process of law.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Chairman Sparks, which motion carried unanimously, the Board made the finding that there has been no failure to follow due process of law.

APPEAL ISSUE 4 - Failure to follow proper rules and regulations.

Based on the evidence submitted by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," the Board made the finding that there was a failure to follow proper rules and regulations properly.

As a result of the foregoing decisions, the taxable value of the land on Assessor's Parcel No. 130-170-07 was reduced to \$324,000.

05-100E HEARING NO. LT-0013 – GRABLE B. RONNING, TR.
PARCEL NO. 123-145-02

A petition for Review of Assessed Valuation received from Grable B. Ronning, Tr., protesting the taxable valuation on land located at Anaho/Gonowabie, Crystal Bay, Washoe County, Nevada, was set for consideration at this time. The property is zoned HDS and designated 012/vacant, single.

Josh Wilson, Appraiser, duly sworn, oriented the Board as to the location of subject property.

Grable Ronning, Petitioner, was sworn and submitted the following document into evidence:

Exhibit A, a letter

Petitioner Ronning testified that the lot was on a small road and there were no services to the lot.

Appraiser Wilson submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s) including comparable sales, maps and subject's appraisal record, pages 1 through 9.

Appraiser Wilson recommended that the land value be reduced to \$146,200 after applying the 10 percent easement adjustment and a reduction for the low coverage on the subject parcel.

Petitioner Ronning had no rebuttal, and she was in agreement with the recommendation.

The Chairman closed the hearing.

DECISIONS:

APPEAL ISSUE 1 - The eight percent (8%) land factor is invalid.

Based on the evidence presented by the Petitioners and the Assessor and on the finding that the Board questions the validity of the manner in which the land factor was determined, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," it was ordered that the taxable land values for those Petitioners whose properties received the eight percent (8%) factor be adjusted back to the taxable land values without the factor being applied. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

APPEAL ISSUE 2 - Failure to properly equalize within and without Washoe County and areas thereof.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Brush, which motion duly carried with Chairman Sparks and Member Koziol voting "no," the Board made the finding that failure to properly equalize properties within Washoe County has not been sufficiently demonstrated and that it is not within the Board's purview to equalize Washoe County properties with properties outside of Washoe County.

APPEAL ISSUE 3 - Failure to follow due process of law.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Chairman Sparks, which motion carried unanimously, the Board made the finding that there has been no failure to follow due process of law.

APPEAL ISSUE 4 - Failure to follow proper rules and regulations.

Based on the evidence submitted by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," the Board made the finding that there was a failure to follow proper rules and regulations properly.

APPEAL ISSUE 5 – Adverse factors were not considered or given enough weight by the Assessor.

Based on the evidence submitted by the Petitioner and the Assessor that adverse factors had not been considered, and as recommended by the Assessor, on motion by Chairman Sparks, seconded by Member Koziol, which motion duly carried, it was ordered that the taxable value of the land on Parcel No. 123-145-02 be reduced an additional 10 percent. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

As a result of the foregoing decisions, the taxable value of the land on Assessor's Parcel No. 123-145-02 was reduced to \$146,200.

05-101E HEARING NO. LT-0014 - GRABLE B. RONNING, TR.
PARCEL NO. 123-145-04

A petition for Review of Assessed Valuation received from Grable B. Ronning, Tr., protesting the taxable valuation on land, improvements, and personal property located at 400 Gonowabie Road, Crystal Bay, Washoe County, Nevada, was set for consideration at this time. The property is zoned MDS and designated 020-single-family residence.

Gary Warren, Appraiser, duly sworn, oriented the Board as to the location of subject property.

Grable Ronning, Petitioner, was sworn and submitted the following documents into evidence:

Exhibit A, a letter

Petitioner Ronning testified that the ability to market her property was affected by a hairpin turn, the location of the driveway, steepness of the property, and

difficult access. She said these detract from the property, and she asked for reduction based on these factors.

Appraiser Warren submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s) including comparable sales, maps and subject's appraisal record, pages 1 through 12.

Appraiser Warren testified that in 2004 the Board of Equalization reduced the pier premium on the subject parcel from \$500,000 to \$100,000 because it did not extend out into the lake as compared to other piers in the area. He noted an additional reduction was given due to the fact that the curve of Gonowabie Road reduces the subject parcel's net useable area. He stated with these adjustments the total taxable value does not exceed full cash value.

In rebuttal, Petitioner Ronning commented on the increase in the taxes since 2003.

The Chairman closed the hearing.

DECISIONS:

APPEAL ISSUE 1 - The eight percent (8%) land factor is invalid.

Based on the evidence presented by the Petitioners and the Assessor and on the finding that the Board questions the validity of the manner in which the land factor was determined, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," it was ordered that the taxable land values for those Petitioners whose properties received the eight percent (8%) factor be adjusted back to the taxable land values without the factor being applied. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

APPEAL ISSUE 2 - Failure to properly equalize within and without Washoe County and areas thereof.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Brush, which motion duly carried with Chairman Sparks and Member Koziol voting "no," the Board made the finding that failure to properly equalize properties within Washoe County has not been sufficiently demonstrated and that it is not within the Board's purview to equalize Washoe County properties with properties outside of Washoe County.

APPEAL ISSUE 3 - Failure to follow due process of law.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Chairman Sparks, which motion carried unanimously, the Board made the finding that there has been no failure to follow due process of law.

APPEAL ISSUE 4 - Failure to follow proper rules and regulations.

Based on the evidence submitted by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," the Board made the finding that there was a failure to follow proper rules and regulations properly.

APPEAL ISSUE 5 – Adverse factors were not considered or given enough weight by the Assessor.

Based on the evidence submitted by the Petitioner and the Assessor, on motion by Chairman Sparks, seconded by Member Koziol, which motion duly carried, it was ordered that no further adjustments to the taxable value of the subject property were warranted.

As a result of the foregoing decisions, the taxable value of the land on Assessor's Parcel No. 123-145-04 was reduced to \$1,150,000.

05-102E HEARING NO. LT-0017 – CROSBIE RONNING
PARCEL NO. 122-116-04

A Petition for Review of Assessed Valuation received from Crosbie Ronning, protesting the taxable valuation on land and improvements located at 517 Sugar Pine Dr., Incline Village, Washoe County, Nevada, was set for consideration at this time. The property is zoned MDS and designated single-family residence.

Ivy Diezel, Appraiser, duly sworn, oriented the Board as to the location of the subject property.

Grable Ronning, representing the Petitioner, was sworn and submitted the following documents into evidence:

Exhibit A, Petitioners evidence packet

Petitioner Ronning testified this particular lot was very steep, and she compared it to neighboring parcels that have the same value but are not as steep. She felt the Assessor's comparable sales were incompatible since they were done on parcels not within the neighborhood of the subject parcel.

Appraiser Diezel submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s), including comparable sales, maps and subject's appraisal record, pages 1 through 9.

Appraiser Diezel reviewed sales of comparable properties substantiating that the Assessor's total taxable value does not exceed full cash value and stated the Assessor would stand on the written record in Exhibit I, along with the adjustment the Board made on the previous day.

Chairman Sparks referred to page six of nine of Assessor's Exhibit I, and stated the Petitioner's contention was that there was a great diversity in the sizes of the comparable sales; however, they all had the same base lot price. Appraiser Diezel said the summary map of that area notes the Assessor's adjustments, and the lot at 521 Sugarpine should have received an upward adjustment for size; but it does not appear that adjustment had been made. Appraiser Diezel responded to questions regarding the differences in the parcels and their values. She noted the subject parcel received a 10 percent discount for access.

In rebuttal, the Petitioner reiterated her testimony as to the topography of the subject parcel. Chairman Sparks said the Board would decide if there had been enough adjustment given to the subject parcel.

Member Schmidt said it appeared the subject lot was the smallest lot in the immediate surrounding neighborhood. Appraiser Diezel said they were all buildable sites, with steepness being considered. She said the Assessor's office looked at a range of lot sizes to determine a base lot. Member Schmidt asked if there was a break off point for a downward adjustment on a sub-standard size lot. Appraiser Diezel replied the downward adjustment started at .22 acres.

The Chairman closed the hearing.

DECISIONS:

APPEAL ISSUE 1 - The eight percent (8%) land factor is invalid.

Based on the evidence presented by the Petitioners and the Assessor and on the finding that the Board questions the validity of the manner in which the land factor was determined, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," it was ordered that the taxable land values for those Petitioners whose properties received the eight percent (8%) factor be adjusted back to the taxable land values without the factor being applied. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

APPEAL ISSUE 2 - Failure to properly equalize within and without Washoe County and areas thereof.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Brush, which motion duly carried with Chairman Sparks and Member Koziol voting "no," the Board made the finding that failure to properly equalize properties within Washoe County has not been sufficiently demonstrated and that it is not within the Board's purview to equalize Washoe County properties with properties outside of Washoe County.

APPEAL ISSUE 3 - Failure to follow due process of law.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Chairman Sparks, which motion carried unanimously, the Board made the finding that there has been no failure to follow due process of law.

APPEAL ISSUE 4 - Failure to follow proper rules and regulations.

Based on the evidence submitted by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," the Board made the finding that there was a failure to follow proper rules and regulations properly.

APPEAL ISSUE 5 – Adverse factors were not considered or given enough weight by the Assessor.

Based on the FINDINGS that adverse factors (slope) were not given enough weight, as evidenced by the Assessor and the Petitioner, on motion by Chairman Sparks, seconded by Member Schmidt, which motion duly carried, it was ordered that the taxable value of the land on Parcel No.122-116-04 be reduced an additional 5 percent, and that the taxable value of the improvements be upheld. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

As a result of the foregoing decisions, the taxable value of the land on Assessor's Parcel No. 122-116-04 was reduced to \$212,500.

05-103E HEARING NO. LT-0016 – ROBERT LAWRENCE
PARCEL NO. 124-083-12

A Petition for Review of Assessed Valuation received from Robert Lawrence, protesting the taxable valuation on land and improvements located at 891 South Dyer Circle, Incline Village, Washoe County, Nevada, was set for consideration at this time. The property is zoned MDS and designated single-family residence.

Joe Johnson, Appraiser, duly sworn, oriented the Board as to the location of subject property.

Robert Lawrence, Petitioner, was sworn and submitted the following documents into evidence:

- Exhibit A, Letter and appraisal records
- Exhibit B, Prudential Realty Road Traffic Noise Comparison

Petitioner Lawrence reviewed his exhibits and testified he was requesting a reduction in the land taxable value of 12.23 percent due to Tahoe Regional Planning Agency (TRPA) land capacity limitations and a reduction in land taxable value of 16.5 percent due to traffic noise duress. He acknowledged that he was granted a 5 percent reduction due to traffic noise by the Board last year. He stated his property was unfairly burdened by taxes relative to area comparables due to the adverse factors of limited coverage, topography and road noise; and he believed these factors were not adequately considered by the Assessor in the land evaluation. Petitioner Lawrence reviewed his arguments as stated in Petitioner Exhibit A.

Chairman Sparks asked if the TRPA coverage calculations included the excess coverage. Mr. Lawrence explained he would be allowed 4,291 square feet if the maximum allowable building coverage were 30 percent; and he would be allowed 5,514 square feet if he were on a comparable level lot, which is a difference of 1,223 feet. He said the 12.23 percent is from TRPA's analysis of the property when they informed him what could be done on the subject property. Petitioner Lawrence responded to several questions from Chairman Sparks clarifying how he arrived at some of his figures.

Member Schmidt asked the Petitioner how the topography on his parcel compared to neighboring parcels. Petitioner Lawrence stated his parcel has the steepest slope in the neighborhood. Member Schmidt offered the Petitioner advice on how he should have proceeded with his appeal.

Appraiser Johnson submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s), including comparable sales, maps and subject's appraisal record, pages 1 through 9. Appraiser Johnson noted and corrected a typographical error on page 2 concerning the weighted average of the improvements.

Appraiser Johnson reviewed sales of comparable properties substantiating that the Assessor's total taxable value does not exceed full cash value. He further testified the comparison provided by the Petitioner's Exhibit B was not completed on homes located in the Woods subdivision, and he disputed some of the evidence submitted by the Petitioner. Appraiser Johnson also discussed noise detriments and the associated adjustments. He said the Assessor did not have lot sizes or estimated coverage on those lots used by the Petitioner's real estate agent and does not know if the differences in sale prices were attributed to the busy street, quality of construction, or the size of the house.

Member Schmidt asked what the Petitioner's allowable coverage was in square footage. Appraiser Johnson replied 4,291 square feet as listed in Petitioner's Exhibit A. He explained the Assessor does not have access to the TRPA information and estimates coverage based on what is on a property or relies on the property owner to provide the information.

Member Koziol asked if the coverage estimates were done in accordance with TRPA methodology. Appraiser Johnson noted there had been a remodel on the subject property and the Petitioner changed the coverage amounts. He further stated the Assessor does make adjustments for TRPA coverage when they can get the information.

Member Schmidt asked several questions concerning the topography of the subject parcel and the comparable parcels referenced by the Petitioner.

In rebuttal, Petitioner Lawrence referred to Petitioner Exhibit B, citing traffic noise in the Woods subdivision was relative to noise in an interior, which was the purpose of the study; and the subject parcel backs up to Highway 28. He said the square footage mentioned was irrelevant because square footage was only relevant to the parcel size, and the coverage amounts by parcel is public information available at TRPA. Mr. Lawrence emphasized that coverage has a value and his property has a reduced TRPA coverage. He also said traffic noise costs more than present reduction compensation.

Member Krolick asked if there was an upward adjustment for the stream bordering the back of the property. Petitioner Lawrence replied there was not.

Member Schmidt asked Appraiser Johnson if he had ever been by, or called, the TRPA office and asked them to identify the class as to the coverage of any particular parcel. Appraiser Johnson replied that he is aware there are class maps, but he was referring to the individual IPES scores. Member Schmidt repeated his question; and Appraiser Johnson stated he had not been to the TRPA office. Member Schmidt asked if Appraiser Johnson had the maps in the Assessor's office. Appraiser Johnson replied he did not believe so. Member Schmidt then asked if Appraiser Johnson had ever made an effort in assessing properties, such as the subject parcel, to make any determination in difference in class category between parcels. Appraiser Johnson replied he had never adjusted for coverage. Member Schmidt saw Appraiser Sauer approaching the podium and said he did not want to recognize him as he was asking questions of this particular Appraiser. Appraiser Johnson replied he would like to defer to Appraiser Sauer. Member Schmidt said he preferred not to as he asked Appraiser Johnson what he had done. Appraiser Johnson said he would defer the question to Appraiser Sauer. Member Schmidt asked Appraiser Sauer if he thought he was better qualified to answer the question as to what Appraiser Johnson had done with a yes or no answer. Appraiser Sauer replied yes. Member Schmidt remarked you know what Appraiser Johnson had or had not done and Appraiser Johnson did not. Member Schmidt reiterated he did not care to recognize Appraiser Sauer.

The Chairman closed the hearing.

Member Schmidt believed that coverage was an integral part of value in the Incline Village area. He said he could support reductions based on the coverage and the road noise, but he would not make the motion.

Member Krolick said his comments would not be beneficial to the Petitioner. He stated there was a point where a property may have more coverage than what was economically necessary.

DECISIONS:

APPEAL ISSUE 1 - The eight percent (8%) land factor is invalid.

Based on the evidence presented by the Petitioners and the Assessor and on the finding that the Board questions the validity of the manner in which the land factor was determined, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," it was ordered that the taxable land values for those Petitioners whose properties received the eight percent (8%) factor be adjusted back to the taxable land values without the factor being applied. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

APPEAL ISSUE 2 - Failure to properly equalize within and without Washoe County and areas thereof.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Brush, which motion duly carried with Chairman Sparks and Member Koziol voting "no," the Board made the finding that failure to properly equalize properties within Washoe County has not been sufficiently demonstrated and that it is not within the Board's purview to equalize Washoe County properties with properties outside of Washoe County.

APPEAL ISSUE 3 - Failure to follow due process of law.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Chairman Sparks, which motion carried unanimously, the Board made the finding that there has been no failure to follow due process of law.

APPEAL ISSUE 4 - Failure to follow proper rules and regulations.

Based on the evidence submitted by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," the Board made the finding that there was a failure to follow proper rules and regulations properly.

APPEAL ISSUE 5 - Adverse factors were not considered or given enough weight from the Assessor.

Based on the evidence submitted by the Petitioner and the Assessor, on motion by Member Brush, seconded by Member Krolick, which motion duly carried with Members Schmidt and Koziol voting “no”, it was ordered that no further adjustments to the taxable value of the subject property were warranted as evidenced by the Assessor.

As a result of the foregoing decisions, the taxable value of the land on Assessor's Parcel No. 124-083-12 was reduced to \$285,000.

2:25 pm The Board took a brief recess.

2:30 pm The Board reconvened with all members present.

05-104E **HEARING NOS. LT-0029, (LT-0655-DUPLICATE), LT-0038, LT-0048 – CAROL EDWARDS ASSOCIATES, DONALD FREI, TR, EUGENE GASTANAGA – PARCEL NOS. 122-181-18, 124-062-17, 123-161-06**

Petitions for Review of Assessed Valuation received from Norman Azevedo, Attorney, representing three property owners, protesting the taxable valuation on land and improvements on various parcels located in Incline Village, Washoe County, Nevada, were set for consideration at this time. These petitions were originally set for February 10, 2005; but because of duplicate filings, they were rescheduled. It was noted that Attorney Azevedo had stipulated that these petitions be consolidated into the hearings conducted on February 10, 2005.

Member Schmidt asked if Legal Counsel, Terrance Shea, signed the stipulation before consulting the Assessor’s office. Ernie McNeill, Senior Appraiser, replied he could not answer that.

Chairman Sparks showed concern that Mr. Shea signed the stipulation without checking if it was a valid stipulation and why it was not brought before the Board before it was signed. Chairman Sparks decided to call the hearing so the Board could either accept or deny the stipulation.

Dave Purcell, Legal Assistant to attorney Norman Azevedo, said he had the power to sign off on the stipulation.

Gary Warren, Appraiser, duly sworn, oriented the Board as to the location of the subject properties for Hearing Nos. LT-0029 (LT0655, duplicate) and LT0048.

Joe Johnson, Appraiser, duly sworn, oriented the Board as to the location of the subject property for Hearing No. LT-0038.

Nancy Parent, Chief Deputy Clerk, swore in attorney Norman Azevedo's representative, Dave Purcell.

Mr. Purcell stated Mr. Azevedo's clients were heard in a consolidated hearing on February 10, 2005, with the exception of three petitioners who had filed duplicate petitions with Mr. Hall. He said Mr. Azevedo was now requesting that Hearing Nos. LT-0029, LT-0655-dup, LT-0038 and LT-0048 be included in the action taken during the consolidated hearing on February 10, 2005; and that was what the stipulation was about.

Chairman Sparks clarified that Mr. Azevedo was requesting that these three petitions be the same as Austin (Hearing LT-0041 heard on February 10, 2005), in which case the Board upheld the Assessor's values. Chairman Sparks received agreement from Mr. Purcell and Appraiser Warren that it was everyone's understanding that the stipulation means that the Assessor's taxable values on these three parcels would also be upheld. Member Schmidt stated he was assuming that the evidence presented at the other hearings would be included in these hearings. Chairman Sparks noted that was part of the stipulation.

Mr. Purcell then read a statement into the record from Mr. Azevedo, which statement was placed on file with the Clerk. The statement requested that these three parcels be equalized consistent with the Board's decision made regarding the 1,200+ Incline Village property owners on February 17, 2005 as well as reconsideration of the 17 taxpayers that were denied relief on February 10, 2005, since they are now out of equalization with the 1,200+ parcels.

Appraiser Warren requested the Assessor's written presentation be submitted into evidence for these three hearings. Chairman Sparks agreed.

Assessor's Exhibit I, Assessor's Fact Sheet(s), including comparable sales, maps and subjects' appraisal records for each parcel were entered into the record.

Chairman Sparks expressed his understanding that the Board decided to look at the factoring because of the weight of the evidence presented in the consolidated hearing over the past two days (February 16 and 17, 2005). He said, when Mr. Azevedo presented his arguments, he did not sway the Board as far as the weight of the evidence; therefore, those petitioners were not granted relief. He said he read in the newspaper that Mr. McGowan may equalize all of Area 1, which he has the right to do; but his understanding was that this Board was only considering those people who filed petitions. The Chairman said he believed it would not be a good precedent to automatically reopen hearings in light of other evidence another petitioner brought forth.

Member Schmidt stated he believed it was within the Board's authority to reopen Mr. Azevedo's hearings for reconsideration on a proper motion, and he would be open to either reopening or continuing those hearings.

Peter Simeoni, Legal Counsel, said he believed the Board does have the authority to reconsider matters that had been decided and closed. However, he thought there might be a problem in dealing with hearings not specifically noticed on today's agenda. Mr. Simeoni said, in order not to violate the Open Meeting Law requirements, he would suggest the Board continue those that have not been identified on today's agenda, as well as these three, if that is the Board's pleasure. Mr. Simeoni further said it may not be necessary if those parcels were going to be equalized by the Board's decision of February 17, 2005.

Chairman Sparks reiterated his previous comments concerning one petitioner swaying the Board better than others and the idea of reopening other hearings.

On motion by Member Koziol, seconded by Member Brush, which motion duly carried, it was ordered that the stipulation, signed and dated February 17, 2005 by Terrance Shea, on behalf of the Washoe County Assessor, and Norman Azevedo, on behalf of the Appellants/Petitioners, concerning Hearing Nos. LT-0029, LT-0038, LT-0655-dup, and LT-0048 being included in the consolidation hearing of February 10, 2005 be accepted.

Member Schmidt appreciated the Chairman's concerns and agreed with his comments. He did not believe a precedent should be established or that the Board should automatically reconsider hearings. He further stated he believed the Board does have the authority to go in to the Assessor's office and examine the rolls and equalize within the County without a petition or appeal before it, because we are the Washoe County Board of Equalization. He said the Board could exercise that authority if they become aware of a gross inequity within the County based upon equalization. He would favor consideration of reopening Mr. Azevedo's hearings for an amended motion and ruling.

Member Schmidt moved that a hearing be agendized for February 25, 2005 for the Board to consider reopening Mr. Azevedo's Hearings. The motion died for lack of a second.

Chairman Sparks stated there are other petitioners affected by the factor who were not granted relief by the Board and granting Mr. Azevedo's request would equate to giving him preferential treatment. On motion by Chairman Sparks, seconded by Member Koziol, which motion duly carried with Member Schmidt voting "no," it was ordered that the request from Norman Azevedo to reopen his hearings conducted on February 10, 2005 and these three petitions be denied.

As a result of the foregoing actions, the same decision made by the Board of February 10, 2005 is being applied to these three parcels.

Based on the FINDINGS that the total taxable value does not exceed full cash value to the point that 233B was not specifically put into evidence and the factor was approved by the State Tax Commission, as evidenced by the Assessor, on motion by

Chairman Sparks, seconded by Member Koziol, which motion duly carried with Members Schmidt and Krolick voting “no,” it was ordered that the taxable value of the land and improvements on the following parcels be upheld:

| | | |
|--------------|--------------------------|------------|
| LT0029 | CAROL EDWARDS ASSOCIATES | 122-181-18 |
| LT0655 (DUP) | CAROL EDWARDS ASSOCIATES | 122-181-18 |
| LT0038 | DONALD FREI | 124-062-17 |
| LT0048 | EUGENE GASTANAGA | 123-161-06 |

**05-105E HEARING NOS. LT- 0021, LT-0022, LT-0023 – MARYANNE AND LARRY INGEMANSON, V PARK LLC, KATHY NELSON, TR
PARCEL NOS. 130-241-21, 130-241-23, 130-241-24**

Petitions for Review of Assessed Valuation received from Maryanne and Larry Ingemanson, V Park LLC, and Kathy Nelson, protesting the taxable valuation on land and improvements located at 1165 Vivian Lane, 1170 Vivian Lane, and 1590 Vivian Lane, respectively, Incline Village, Washoe County, Nevada, were set for consideration at this time. The properties are zoned HDS, and designated single-family residences and minor improvements.

Gary Warren, Appraiser, duly sworn, oriented the Board as to the location of subject properties.

Maryanne Ingemanson, Petitioner, was sworn and submitted the following documents into evidence:

Exhibit A, Petitioner’s evidence packet

Member Schmidt noted that his evidence packet started at page 2 and he did not have a page 1. The other Board members said they also did not have page 1. Several minutes were spent looking for page 1, but it was not found. Petitioner Ingemanson said the exhibit was actually what she submitted last year; and that there should have been a supplement page on top. Member Schmidt asked her if she would be referring to this exhibit. Petitioner Ingemanson stated she would not and she just wanted to put it on the record.

Petitioner Ingemanson testified that she was not in agreement with the comparable sales used by the Assessor. She discussed two other sales that she felt were more comparable to the subject properties.

Appraiser Warren submitted the following documents into evidence:

Exhibit I, Assessor’s Fact Sheet(s), including comparable sales, maps and subject’s appraisal record.

Appraiser Warren reviewed sales of comparable properties substantiating that the Assessor's total taxable value does not exceed full cash value for each of these parcels. He also provided additional information concerning the sales the Petitioner discussed. Appraiser Warren reminded everyone that these comparable sales are not what was used to value the properties, but are being presented to defend the Assessor's values.

Member Krolick asked if there was a downward adjustment for being on the site of a common beach or homeowner's association beach. Appraiser Warren said there had been a 15 percent adjustment for the detriment of common beach access along the property line.

Member Schmidt asked Appraiser Warren if he had lived in the community for several years and whether he was familiar with the Mapes Hotel being valued by the Redevelopment Agency greater as a vacant lot than with improvements. Appraiser Warren replied the land value had always been reflected on that parcel. Member Schmidt stated at some point the owners actually spent millions of dollars to remove the structure on that parcel to better market it. He asked Appraiser Warren if he was aware of that. Appraiser Warren stated he had no knowledge about that. Member Schmidt asked if a parcel of land had an abandoned, dilapidated small structure but was located in a neighborhood that experienced a rapid escalation of property values, would persons who marketed that property have the structure removed or would it be a fair assessment to say that many real estate brokers would remove that structure prior to marketing the parcel as a vacant developable parcel. Appraiser Warren replied he would not speculate on what real estate brokers may or may not do on properties they have listed. Member Schmidt stated that was an interesting comment. Member Schmidt recalled last year he would not and did not place any weight on teardowns for determining land value, because in his personal and professional opinion, they were all anomalies and did not reflect arms length transactions or pure market conditions. He asked if Appraiser Warren recalled parcels purchased to ultimately tear down the improvements. Appraiser Warren said there were multiple similar sales. Member Schmidt asked if Appraiser Warren was aware of the new regulations the Tax Commission approved which became effective August 4, 2005. He said it appeared the Assessor's office was treating all teardowns in the exact same manner as last year and the year before. He asked Appraiser Warren to explain it to him if he was wrong. Appraiser Warren said he would like to reiterate his testimony from Feb. 17, 2005 and said the Assessor was utilizing the new regulations in NAC 361.119 2(c), which provides that sales of comparable improved properties may be used in determining valuation, and that was valuation for vacant land as specified in the title of 361.119, in determining valuation regardless of whether the complete obsolescence of an improvement may be determined or considered pursuant to paragraph B. He said the Assessor's office believed the sales were analyzed correctly in accordance with NAC 361.119. Member Schmidt remarked that that was great testimony and that he believed that Appraiser Warren believed that; however, Appraiser Warren did not answer the question. Member Schmidt rephrased the question, asking what can the Assessor point to that they are doing any different now, after 30 hearings and a ruling by the Department of Taxation, that was not exactly the

same as last year and the year before. Appraiser Warren said, as was testified to by Appraisers Josh Wilson and Rigo Lopez, the differences are that they are including demolition costs and they are acknowledging the interim holding contributory value of the improvements prior to demolition. He said this was a departure from prior years. Member Schmidt confirmed that was the difference in the appraiser's mind.

In rebuttal, Ms. Ingemanson reviewed the comparable sales and reiterated that she was not in agreement with the comparable sales used by the Assessor; that there were other sales more indicative of the true value of lakefront property; and that the adverse factors were not taken into consideration. She stated the Grant Bargain and Sale Deed on Parcel Nos. 130-241-23 and 130-241-24 made those properties more difficult to sell on the open market. Petitioner Ingemanson also disputed the way the Assessor calculated the adjustment for Parcel No. 130-241-23 and explained her calculations.

Appraiser Warren stated the taxable values on subject properties do not exceed the full cash values as evidenced by the Assessor's comparable sales. He reiterated that adjustments were made to the base lot value on Parcel No. 130-241-23 in a one-step process, not a two-step process as outlined by the Petitioner; and that is the way these adjustments are normally calculated. Appraiser Warren said the restriction on financing as specified in the Grant, Bargain and Sale Deed only pertains if the brother decides to sell the parcel, in which case the sister has the right of first refusal; and if she exercises that right, the brother must then finance the property; and if she did not exercise that option, that financing goes away. Appraiser Warren said the cash equivalency adjustment the Petitioner requested would not be something the typical buyer would be entitled to beyond the immediate family. He requested the Board uphold the Assessor's value on the subject properties.

Member Schmidt asked about the view on Parcel No. 130-241-23. Appraiser Warren stated there is a view from this parcel. Member Schmidt asked what the view rating was. Appraiser Warren stated it was equivalent to a V-4 rating from the east and west slopes; and he, therefore, adjusted the base value on the Vivian Lane properties to reflect the contributory value of the view based upon the analysis of the base lot value of a V-0 parcel and a V-4 parcel from the east and west slope areas. Member Schmidt clarified that Appraiser Warren thought there was a V-4 rating on the property; however, he chose not to identify that on the form in the box. Appraiser Warren replied V-4 was not marked since typically parcels on Pinecone and Vivian Lane were not rated for their view characteristics. Member Schmidt asked if V-4 were written on the appraisal, would it change the base value; and then would the 15 percent adjustment for the easement be made upon the new base value. Appraiser Warren said there was only one base value for the Pinecone/Vivian Lane/Debra Lane area parcels, which was \$940,000; and the base value for that area was primarily based on size, not on view criteria. He stated this property does have a view, which distinguishes it from other properties; and he had made an adjustment for that view by increasing the base value by 40 percent. Appraiser Warren further explained that this property also adjoins the common area beach and has access along the west side for which he made a 15 percent downward adjustment, resulting in a 25 percent upward adjustment to the subject's land

value. A discussion ensued concerning the difference in value when the view is built in to the land value or added to the base lot values and how to treat additional adjustments either up or down.

In rebuttal, Petitioner Ingemanson addressed the view and said even though it was only one lot on a very small street she felt it should not be treated differently. She also discussed the letter from Chuck Chinnock, State Department of Taxation, read into the record in an earlier hearing; and said that letter was a draft that was never sent and, therefore, should not be considered. Member Schmidt asked where the letter was in the evidence packet. Petitioner Ingemanson stated it was not in her evidence packet.

The Chairman closed the hearing.

Member Schmidt stated view is a factor in land value, but it was his opinion that the Assessor was not calculating view adjustments consistently. Chairman Sparks noted the Assessor explained they use a net adjustment process; and, in this neighborhood, view is not a similar issue or characteristic of all the lots. He felt the Assessor had followed the same mathematical net adjustment that they use on other properties.

DECISIONS:

APPEAL ISSUE 1 - The eight percent (8%) land factor is invalid.

Based on the evidence presented by the Petitioners and the Assessor and on the finding that the Board questions the validity of the manner in which the land factor was determined, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," it was ordered that the taxable land values for those Petitioners whose properties received the eight percent (8%) factor be adjusted back to the taxable land values without the factor being applied. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

APPEAL ISSUE 2 - Failure to properly equalize within and without Washoe County and areas thereof.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Brush, which motion duly carried with Chairman Sparks and Member Koziol voting "no," the Board made the finding that failure to properly equalize properties within Washoe County has not been sufficiently demonstrated and that it is not within the Board's purview to equalize Washoe County properties with properties outside of Washoe County.

APPEAL ISSUE 3 - Failure to follow due process of law.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Chairman Sparks, which motion carried unanimously, the Board made the finding that there has been no failure to follow due process of law.

APPEAL ISSUE 4 - Failure to follow proper rules and regulations.

Based on the evidence submitted by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," the Board made the finding that there was a failure to follow proper rules and regulations properly.

APPEAL ISSUE 5 - Adverse Factors were not considered or given enough weight from the Assessor.

Based on the evidence submitted by the Petitioner and the Assessor, on motion by Chairman Sparks, seconded by Member Brush, which motion duly carried with Members Schmidt and Krolick voting "no", it was ordered that no further adjustments to the taxable values of the subject properties were warranted.

As a result of the foregoing decisions, the taxable value of the land on Assessor's Parcel No. 130-241-21 was reduced to \$5,380,700; Parcel No. 130-241-23 was reduced to \$1,175,000; and Parcel No. 130-241-24 was reduced to \$738,000.

05-106E HEARING NO. LT-0028 – BARRY AND NANCY BROWN, TR
PARCEL NO. 122-161-08

A Petition for Review of Assessed Valuation received from Barry and Nancy Brown, protesting the taxable valuation on land and improvements located at 96 Shoreline Circle, Incline Village, Washoe County, Nevada, was set for consideration at this time. The property is zoned MDS and designated single-family residence.

Gary Warren, Appraiser, duly sworn, oriented the Board as to the location of subject property.

Barry Brown, Petitioner, was sworn and submitted the following documents into evidence:

- Exhibit A, photographs
- Exhibit B, notes

Petitioner Brown testified that he had a 14,400-volt, 15.6-megawatt, distribution power line that crossed over the roof of his house. He said the line was of extremely high voltage and posed a danger to the occupants of the home. Mr. Brown further testified that the existence of this power line on his property was not known at the

time of purchase due to overgrown trees; and it was not discovered until they removed some vegetation a couple of years later to plant grass. He discussed the health hazards of living near high voltage power lines.

Member Schmidt asked Mr. Brown if he had any intention to remodel or expand the home. Petitioner Brown replied the home was remodeled in 1999.

Appraiser Warren submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s), including comparable sales, maps and subject's appraisal record, pages 1 through 10.

Appraiser Warren reviewed sales of comparable properties substantiating that the Assessor's total taxable value does not exceed full cash value. He further testified that properties were not supposed to be built under power lines or within the electrical right-of-way. He said the power lines did go over the subject property as illustrated by the Petitioner's Exhibit A. Appraiser Warren did not know the impact on value.

In rebuttal, Petitioner Brown disputed the comparable sales used by the Assessor.

Chairman Sparks said the current taxable value was \$700,000. He asked Petitioner Brown if his opinion of value was \$400,000 because of the power line. Mr. Brown said that would be correct.

The Chairman closed the hearing.

DECISIONS:

APPEAL ISSUE 1 - The eight percent (8%) land factor is invalid.

Based on the evidence presented by the Petitioners and the Assessor and on the finding that the Board questions the validity of the manner in which the land factor was determined, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," it was ordered that the taxable land values for those Petitioners whose properties received the eight percent (8%) factor be adjusted back to the taxable land values without the factor being applied. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

APPEAL ISSUE 2 - Failure to properly equalize within and without Washoe County and areas thereof.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Brush, which motion duly carried with

Chairman Sparks and Member Koziol voting "no," the Board made the finding that failure to properly equalize properties within Washoe County has not been sufficiently demonstrated and that it is not within the Board's purview to equalize Washoe County properties with properties outside of Washoe County.

APPEAL ISSUE 3 - Failure to follow due process of law.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Chairman Sparks, which motion carried unanimously, the Board made the finding that there has been no failure to follow due process of law.

APPEAL ISSUE 4 - Failure to follow proper rules and regulations.

Based on the evidence submitted by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," the Board made the finding that there was a failure to follow proper rules and regulations properly.

APPEAL ISSUE 5 - Adverse Factors were not considered or given enough weight from the Assessor.

Based on the FINDINGS that adverse factors (power lines) were not considered, as evidenced by the Assessor and the Petitioner, on motion by Chairman Sparks, seconded by Member Brush, which motion duly carried, it was ordered that the taxable value of the land on Parcel No. 122-161-08 be reduced to an additional 15 percent, and that the taxable value of the improvements be upheld. The Board also made the finding that, with this adjustment, that land and improvements are valued correctly and the total taxable value does not exceed full cash value.

As a result of the foregoing decisions, the taxable value of the land on Assessor's Parcel No. 122-161-08 was reduced to \$595,000.

5:00 p.m. The Board recessed.

5:05 p.m. The Board reconvened with all members present.

05-107E **HEARING NO. LT-0001 – JANET SHINES**
PARCEL NO. 125-542-03

A Petition for Review of Assessed Valuation received from Janet Shines, protesting the taxable valuation on land and improvements located at 652 Saddlehorn Drive, Incline Village Washoe County, Nevada, was set for consideration at this time. The property is zoned HDS and designated single-family residence.

Ivy Diezel, Appraiser, duly sworn, oriented the Board as to the location of subject property.

The Petitioner was not present but had submitted a letter, Exhibit A, which the Board reviewed.

Appraiser Diezel submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s), including comparable sales, maps and subject's appraisal record, pages 1 through 9.

Appraiser Diezel testified a recommendation for a reduction in the improvement value has been made based on the quality class, and the Petitioner had been notified and was in agreement with the recommendation.

The Chairman closed the hearing.

DECISIONS:

APPEAL ISSUE 1 - The eight percent (8%) land factor is invalid.

Based on the evidence presented by the Petitioners and the Assessor and on the finding that the Board questions the validity of the manner in which the land factor was determined, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," it was ordered that the taxable land values for those Petitioners whose properties received the eight percent (8%) factor be adjusted back to the taxable land values without the factor being applied. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

APPEAL ISSUE 2 - Failure to properly equalize within and without Washoe County and areas thereof.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Brush, which motion duly carried with Chairman Sparks and Member Koziol voting "no," the Board made the finding that failure to properly equalize properties within Washoe County has not been sufficiently demonstrated and that it is not within the Board's purview to equalize Washoe County properties with properties outside of Washoe County.

APPEAL ISSUE 3 - Failure to follow due process of law.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Chairman Sparks, which motion carried unanimously, the Board made the finding that there has been no failure to follow due process of law.

APPEAL ISSUE 4 - Failure to follow proper rules and regulations.

Based on the evidence submitted by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," the Board made the finding that there was a failure to follow proper rules and regulations properly.

APPEAL ISSUE 5 – Error in appraisal

Based on the FINDINGS that the quality class of the improvements should be changed as evidenced by the Petitioner and the Assessor, on motion by Chairman Sparks, seconded by Member Koziol, which motion duly carried, it was ordered that the taxable value of the improvements be reduced. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

As a result of the foregoing decisions, the taxable value of the land on Assessor's Parcel No. 125-542-03 was reduced to \$250,000 and the taxable value of the improvements was reduced to \$93,735, for a total taxable value of \$343,735.

05-108E HEARING NO. LT-0003 – CLEMENS HUFMANN, TR
PARCEL NO. 128-071-05

A Petition for Review of Assessed Valuation received from Clemens Hufman, protesting the taxable valuation on land and improvements located at 958 Dana Court, Incline Village, Washoe County, Nevada, was set for consideration at this time. The property is zoned MDS and designated single-family residence.

Rigo Lopez, Appraiser, duly sworn, oriented the Board as to the location of subject property.

The Petitioner was not present.

Appraiser Lopez submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s), including comparable sales, maps and subject's appraisal record, pages 1 through 10.

Appraiser Lopez reviewed sales of comparable properties substantiating that the Assessor's total taxable value does not exceed full cash value. He further testified that the Assessor would stand on the written presentation submitted and contained in Exhibit I.

The Chairman closed the hearing.

DECISIONS:

APPEAL ISSUE 1 - The eight percent (8%) land factor is invalid.

Based on the evidence presented by the Petitioners and the Assessor and on the finding that the Board questions the validity of the manner in which the land factor was determined, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," it was ordered that the taxable land values for those Petitioners whose properties received the eight percent (8%) factor be adjusted back to the taxable land values without the factor being applied. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

APPEAL ISSUE 2 - Failure to properly equalize within and without Washoe County and areas thereof.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Brush, which motion duly carried with Chairman Sparks and Member Koziol voting "no," the Board made the finding that failure to properly equalize properties within Washoe County has not been sufficiently demonstrated and that it is not within the Board's purview to equalize Washoe County properties with properties outside of Washoe County.

APPEAL ISSUE 3 - Failure to follow due process of law.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Chairman Sparks, which motion carried unanimously, the Board made the finding that there has been no failure to follow due process of law.

APPEAL ISSUE 4 - Failure to follow proper rules and regulations.

Based on the evidence submitted by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," the Board made the finding that there was a failure to follow proper rules and regulations properly.

APPEAL ISSUE 5 – Validation methods not supported by regulation

Based on the evidence submitted, on motion by Chairman Sparks, seconded by Member Koziol, which motion duly carried, it was ordered that no further adjustments to the taxable value of the subject land were warranted.

As a result of the foregoing decisions, the taxable value of the land on Assessor's Parcel No. 128-071-05 was reduced to \$180,000.

05-109E HEARING NO. LT-0015 – RICHARD KEENLY
PARCEL NO. 122-126-23

A Petition for Review of Assessed Valuation received from Richard Keenly, protesting the taxable valuation on land and improvements located at 565 Silvertip Dr., Incline Village, Washoe County, Nevada, was set for consideration at this time. The property is zoned MDS and designated single-family residence.

Ivy Diezel, Appraiser, duly sworn, oriented the Board as to the location of subject property.

The Petitioner was not present.

Appraiser Diezel submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s), including comparable sales, maps and subject's appraisal record, pages 1 through 10.

Appraiser Diezel reviewed sales of comparable properties substantiating that the Assessor's total taxable value does not exceed full cash value. She further testified that the Assessor would stand on the written presentation submitted and contained in Exhibit I.

The Chairman closed the hearing.

DECISIONS:

APPEAL ISSUE 1 - The eight percent (8%) land factor is invalid.

Based on the evidence presented by the Petitioners and the Assessor and on the finding that the Board questions the validity of the manner in which the land factor was determined, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," it was ordered that the taxable land values for those Petitioners whose properties received the eight percent (8%) factor be adjusted back to the taxable land values without the factor being applied. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

APPEAL ISSUE 2 - Failure to properly equalize within and without Washoe County and areas thereof.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Brush, which motion duly carried with Chairman Sparks and Member Koziol voting "no," the Board made the finding that failure to properly equalize properties within Washoe County has not been sufficiently

demonstrated and that it is not within the Board's purview to equalize Washoe County properties with properties outside of Washoe County.

APPEAL ISSUE 3 - Failure to follow due process of law.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Chairman Sparks, which motion carried unanimously, the Board made the finding that there has been no failure to follow due process of law.

APPEAL ISSUE 4 - Failure to follow proper rules and regulations.

Based on the evidence submitted by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," the Board made the finding that there was a failure to follow proper rules and regulations properly.

APPEAL ISSUE 5 - Adverse Factors were not considered or given enough weight from the Assessor.

Based on the evidence that no further adjustments to the taxable value of the subject's land were warranted as evidenced by the Assessor, on motion by Chairman Sparks, seconded by Member Koziol, which motion duly carried, it was ordered that the taxable value of the land and improvements on Parcel No. 122-126-23 be upheld.

As a result of the foregoing decisions, the taxable value of the land on Assessor's Parcel No. 122-126-23 was reduced to \$250,000.

05-110E HEARING NO. LT-0026 – THOMAS AND KAREN LEONARDINI
PARCEL NO. 122-251-03

A Petition for Review of Assessed Valuation received from Thomas and Karen Leonardini, protesting the taxable valuation on land and improvements located at 907 Lakeshore Blvd, Incline Village, Washoe County, Nevada, was set for consideration at this time. The property is zoned MDS and designated two single.

Gary Warren, Appraiser, duly sworn, oriented the Board as to the location of subject property.

The Petitioner was not present.

Appraiser Warren submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s), including comparable sales, maps and subject's appraisal record, pages 1 through 10.

Appraiser Warren recommended that subject's land value be reduced to reflect the adverse factor of rocky portions of beachfront. He said the reduction represented the weighted average of the two types of beachfront and their inherent values, and the Petitioner was in agreement with the recommendation.

The Chairman closed the hearing.

DECISIONS:

APPEAL ISSUE 1 - The eight percent (8%) land factor is invalid.

Based on the evidence presented by the Petitioners and the Assessor and on the finding that the Board questions the validity of the manner in which the land factor was determined, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," it was ordered that the taxable land values for those Petitioners whose properties received the eight percent (8%) factor be adjusted back to the taxable land values without the factor being applied. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

APPEAL ISSUE 2 - Failure to properly equalize within and without Washoe County and areas thereof.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Brush, which motion duly carried with Chairman Sparks and Member Koziol voting "no," the Board made the finding that failure to properly equalize properties within Washoe County has not been sufficiently demonstrated and that it is not within the Board's purview to equalize Washoe County properties with properties outside of Washoe County.

APPEAL ISSUE 3 - Failure to follow due process of law.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Chairman Sparks, which motion carried unanimously, the Board made the finding that there has been no failure to follow due process of law.

APPEAL ISSUE 4 - Failure to follow proper rules and regulations.

Based on the evidence submitted by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," the Board made the finding that there was a failure to follow proper rules and regulations properly.

APPEAL ISSUE 5 - Adverse Factors were not considered or given enough weight from the Assessor.

Based on the FINDINGS that adverse factors (rocky beach front) were not considered, as evidenced by the Assessor and the Petitioner, on motion by Chairman Sparks, seconded by Member Koziol, which motion duly carried, it was ordered that the taxable value of the land on Parcel No. 122-251-03 be reduced. The Board also made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

As a result of the foregoing decisions, the taxable value of the land on Assessor's Parcel No. 122-251-03 was reduced to \$5,040,000.

05-111E HEARING NO. LT-0027 – LESLIE BARTA
PARCEL NO. 125-232-24

A Petition for Review of Assessed Valuation received from Leslie Barta, protesting the taxable valuation on land and improvements located at 812 Jeffrey Court, Incline Village, Washoe County, Nevada, was set for consideration at this time. The property is zoned HDS and designated single-family residence.

Ivy Diezel, Appraiser, duly sworn, oriented the Board as to the location of subject property.

The Petitioner was not present but had submitted a letter, Exhibit A, which the Board reviewed.

Appraiser Diezel submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s), including comparable sales, maps and subject's appraisal record, pages 1 through 12.

Appraiser Diezel reviewed sales of comparable properties substantiating that the Assessor's total taxable value does not exceed full cash value. She further testified that the Assessor would stand on the written presentation submitted and contained in Exhibit I.

The Chairman closed the hearing.

DECISIONS:

APPEAL ISSUE 1 - The eight percent (8%) land factor is invalid.

Based on the evidence presented by the Petitioners and the Assessor and on the finding that the Board questions the validity of the manner in which the land factor was determined, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," it was ordered that the taxable land values for those Petitioners whose properties received the eight percent (8%) factor be adjusted back to the taxable land values without the factor being applied. The Board also

made the finding that, with this adjustment, the land and improvements are valued correctly and the total taxable value does not exceed full cash value.

APPEAL ISSUE 2 - Failure to properly equalize within and without Washoe County and areas thereof.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Brush, which motion duly carried with Chairman Sparks and Member Koziol voting "no," the Board made the finding that failure to properly equalize properties within Washoe County has not been sufficiently demonstrated and that it is not within the Board's purview to equalize Washoe County properties with properties outside of Washoe County.

APPEAL ISSUE 3 - Failure to follow due process of law.

Based on the evidence presented by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Chairman Sparks, which motion carried unanimously, the Board made the finding that there has been no failure to follow due process of law.

APPEAL ISSUE 4 - Failure to follow proper rules and regulations.

Based on the evidence submitted by the Petitioners and the Assessor, on motion by Member Schmidt, seconded by Member Koziol, which motion duly carried with Chairman Sparks voting "no," the Board made the finding that there was a failure to follow proper rules and regulations properly.

APPEAL ISSUE 5 - Adverse Factors were not considered or given enough weight from the Assessor.

Based on the evidence that no further adjustments to the taxable value of the subject's land were warranted as evidenced by the Assessor, on motion by Chairman Sparks, seconded by Member Schmidt, which motion duly carried, it was ordered that the taxable value of the land and improvements on Parcel No. 125-232-24 be upheld.

As a result of the foregoing decisions, the taxable value of the land on Assessor's Parcel No. 125-232-24 was reduced to \$570,000.

05-112E HEARING NO. 0067 – HOMELAND INC.
PARCEL NO. 047-032-04

A petition for Review of Assessed Valuation for 2004/05-tax year received from Homeland Inc., protesting the taxable valuation on land located at Snow Flower Drive, Reno, Washoe County, Nevada, was set for consideration at this time. The property is zoned A-1, LDS and designated vacant, single-family resident.

Chris Mumm, Appraiser, duly sworn, oriented the Board to the location of the subject property. He advised the Board had already considered this property for the 2005 roll and this hearing would be for the 2004 roll. He said the Board needs to make a determination as to whether or not the matter is properly before it. Chairman Sparks reminded the Board the Petitioner had filed two petitions, but it was assumed by staff that one was a duplicate when the property owner apparently was appealing the prior year. He noted the filing deadline for the 2004 roll was January 15, 2004 and this petition was filed on January 14, 2005.

On motion by Chairman Sparks, seconded by Member Schmidt, which motion duly carried, it was ordered that the petition by Homeland Inc. for review of the 2004/05 tax year be denied due to the late filing based upon Nevada Revised Statute (see Item No. 05-46E, February 9, 2005).

05-113E HEARING NOS. 0051A THROUGH 51H – PNK (RENO) LLC
PARCEL NOS. 038-120-08, -14, 038-430-02, -03, -04, -22, -24, & -28

Petitions for Review of Assessed Valuation received from PNK (Reno) LLC, protesting the taxable valuation on land and improvements located at Garson Road, Verdi, Washoe County, Nevada, were set for consideration at this time. The property is zoned HC and designated general commercial and casino/hotel.

Mark Stafford, Appraiser, duly sworn, oriented the Board as to the location of subject property.

The Petitioner was not present

Appraiser Stafford submitted the following documents into evidence:

Exhibit I, Assessor's Fact Sheet(s), including comparable sales, maps and subject's appraisal record, pages 1 through 58.

Appraiser Stafford presented his recommendation to the Board of an adjusted value based upon prior analysis of income and acknowledged the petitioner's representative was in agreement with the recommendation. He also responded to questions from Board members.

The Chairman closed the hearing.

Based on the FINDINGS that obsolescence should be applied to the subject properties, as evidenced by the Assessor's and Petitioner's Exhibits, and as recommended by the Assessor, on motion by Chairman Sparks, seconded by Member Koziol, which motion duly carried, it was ordered that the following taxable values be established on the land, improvements and personal property of the subject property. The Board also made the finding that the land, improvements and personal property are valued correctly and the total taxable value does not exceed full cash value.

| PARCEL | LAND | IMPROVEMENTS | TOTAL |
|--------------------------|---------------|---------------------|---------------------|
| 038-120-08 | \$ 1,319,009 | \$ 280,085 | \$ 1,599,094 |
| 038-120-14 | \$ 8,445,320 | \$ 4,112,204 | \$12,557,524 |
| 038-430-02 | \$ 2,096,288 | \$21,615,140 | \$23,711,428 |
| 038-430-03 | \$ 714,604 | \$ 105,293 | \$ 819,897 |
| 038-430-04 | \$ 1,070,707 | \$ 169,565 | \$ 1,240,272 |
| 038-430-22 | \$ 2,212,700 | \$ 1,016,244 | \$ 3,228,944 |
| 038-430-24 | \$ 705,121 | \$ 99,038 | \$ 804,159 |
| 038-430-28 | \$ 668,279 | \$ 470,399 | \$ 1,138,678 |
| TOTALS | \$17,232, 028 | \$27,867,968 | \$45,099,996 |
| Personal Property | | | \$ 7,900,004 |
| TOTAL | | | \$53,000,000 |

FUTURE BOARD MEETINGS

Vice Chairman Schmidt said in Chairman Sparks' absence on February 11, 2005 he had scheduled a meeting for March 1, 2005. Chairman Sparks asked what would be on the agenda. Vice Chairman Schmidt commented there would be a series of items, which were continued from previous agendas during prior workshops held in November and December of last year.

A discussion ensued concerning when would be the best time for a meeting. Chairman Sparks asked if there was any reason to have another meeting so soon stating he would rather wait a while to recover from these meetings. Vice Chairman Schmidt stated he would just as soon do it quickly while everything is fresh in everyone's mind.

Chairman Sparks moved, which motion was seconded by Member Brush, to remove the March 1, 2005 meeting from the schedule. Vice Chairman Schmidt moved to amend the motion to include a meeting date not later than April 30, 2005 at the discretion of the Chairman. Chairman Sparks asked Member Brush if he would accept the amendment to the motion. Member Brush agreed. Member Krolick advised that he would not be available from April 20 to 30, 2005. Vice Chairman Schmidt reported the reason for the meeting would be so the Board could, or could not if they so choose, make recommendations to the State Legislature concerning the function and procedures of the Board. Chairman Sparks read into the record Section II.B, of the Washoe County lobbying policy adopted on December 21, 2004 by the Board of County Commissioners, advising the Board could not go to the Legislature as a body without first going to the County Manager or the County Commissioners. Chairman Sparks called for the vote on the motion, and it carried unanimously.

BOARD COMMENTS

Chairman Sparks stated his appreciation to the Board members, the Clerk, the Assessor, and the District Attorney and their staff for their professionalism in dealing with difficult issues.

Ernie McNeil, Senior Appraiser, thanked the Board for their professionalism and participation.

Member Schmidt said this was the most balanced and objective Board he had seen in the past 15 years, and he appreciated the patience of his fellow Board members. He also said the Assessor's staff was diligent and professional with a high level of competence. Member Schmidt stated if he had offended anyone with his attempts at humor, he apologized. He also thanked the Clerk's office for taking on the additional tasks asked of them this year.

Members Koziol, Brush and Krolick thanked everyone for their assistance and professionalism and expressed their appreciation for their fellow Board members.

* * * * *

5:50 p.m. There being no further hearings or business to come before the Board, the meeting adjourned *sine die*.

ATTEST:

STEVEN SPARKS, Chairman
Washoe County Board of Equalization

AMY HARVEY, County Clerk
and Clerk of the Washoe County
Board of Equalization

*Minutes prepared by
Lori Rowe, Deputy Clerk
Stacy Gonzales, Deputy Clerk*