



STATE OF NEVADA
STATE BOARD OF EQUALIZATION

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CHRISTOPHER G.
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Secretary

In the Matter of

Bank of Wachovia National Association
APN: 125-06-301-002
Clark County, Nevada
PETITIONER

Michele Shafe
Clark County Assessor
RESPONDENT

Appeal of the Decision of the
CLARK COUNTY
BOARD OF EQUALIZATION

Case No. 13-328

NOTICE OF DECISION

Appearances

Michael P. Killion appeared on behalf of Bank of Wachovia National Association (Taxpayer).

Darrell Prawalsky, Leon Maj, and Heather Drake, appeared on behalf of the Clark County Assessor's Office (Assessor).

Summary

The matter of the Taxpayer's petition for review of property valuations for the 2013-14 Secured Roll within Clark County, Nevada, came before the State Board of Equalization (State Board) for hearing in Las Vegas, Nevada, on July 9, 2013 after due notice to the Taxpayer and the Assessor.

The State Board, having considered all evidence, documents and testimony pertaining to the valuation of the property in accordance with NRS 361.227, hereby makes the following Findings of Fact, Conclusions of Law and Decision.

FINDINGS OF FACT

- 1) The State Board is an administrative body created pursuant to NRS 361.375.
- 2) The State Board is mandated to hear all appeals of property tax assessments pursuant to NRS 361.360 and NRS 361.400.
- 3) The Taxpayer and the Assessor were given adequate, proper and legal notice of the time and place of the hearing before the State Board, and the matter was properly noticed pursuant to the Open Meeting Law at NRS 241.020.
- 4) The subject property consists of 3.12 acres of land located within Kyle Canyon Master Planned Community, west of Fort Apache and north of Horse Drive in Clark County, Nevada. See *Record, SBE pages 19, 43; 55-56; Tr., 7-9-13, p. 200, l. 22 through ph. 201, l. 10.*
- 5) The Clark County Board of Equalization (County Board) ordered the total taxable value for the subject property of \$40,560, or \$13,000 per acre, be upheld for the 2013-2014 secured roll. See *Record, SBE pages 42 and 60; Tr. 7-9-13, p. 201, ll. 6-8.*
- 6) The Taxpayer presented sufficient evidence to support a value different from that established by the County Board. The State Board found the development potential was very restricted due to its location on the proposed interchange. See *Tr., 7-9-13, p. 213, ll. 4-11.*
- 7) The State Board found the taxable value of the subject property should be reduced to a nominal value of \$23,400, based on a per acre value of \$15,000 with a 50% discount applied. See *Tr., 7-9-13, p. 213, l. 21 through p. 214, l. 3.*
- 8) The assessed value as adjusted by the State Board is 35% of taxable value.
- 9) Any finding of fact above construed to constitute a conclusion of law is adopted as such to the same extent as if originally so denominated.

CONCLUSIONS OF LAW

- 1) The Taxpayer timely filed a notice of appeal, and the State Board accepted jurisdiction to determine this matter.
- 2) The Taxpayer and the Assessor are subject to the jurisdiction of the State Board.
- 3) The State Board has the authority to determine the taxable values in the State.
- 4) The subject property is appraised, as adjusted, at the proper taxable value in accordance with NRS 361.227.
- 5) Any conclusion of law above construed to constitute a finding of fact is adopted as such to the same extent as if originally so denominated.

DECISION

The Petition of the Taxpayer is granted based on the above Findings of Fact and Conclusions of Law. The Clark County Comptroller is instructed to correct the assessment roll by adjusting the assessed valuation of the subject property as follows:

2013-2014 Secured Roll

Parcel Number 125-06-301-002	Taxable Value		Assessed Value	
	Established by County Board of Equalization	Revised By State Board	Established by County Board of Equalization	Revised by State Board
Land	\$40,560	\$23,400	\$14,196	\$8,190
TOTAL	\$40,560	\$23,400	\$14,196	\$8,190

The Clark County Comptroller is instructed to certify the assessment roll of the county consistent with this decision.

BY THE STATE BOARD OF EQUALIZATION THIS 30th DAY OF AUGUST, 2013.



Christopher G. Nielsen, Secretary
CGN/ter