

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. The Department provided evidence to show the Taxpayer received notice of the hearing. *See Tr., 8-19-13, p. 103, ll. 1-3; Record, SBE page 56.*
- 4) The subject property consists of a 28.65 acre parcel located near the junction of Highway 50 and Highway 95A in Silver Springs, Lyon County, Nevada. The parcel has a land use code of 510 (industrial with office) and a zoning code of M 1 (manufacturing). This is an improved, industrial parcel with three buildings of 142,800 square feet, 7,200 square feet, and 6,850 square feet, for a total of 156,850 square feet. The largest building is a light manufacturing building. These buildings were built in 2006 with a quality class of 1.0. *See Record, SBE page 19; Tr., 8-19-13, p. 103, ll. 13-25.*
- 5) The Lyon County Board of Equalization (County Board) ordered the total taxable value for the subject property of \$3,400,000 be upheld for the 2013-2014 secured roll. *See Record, SBE pages 11, 17-18.*
- 6) The State Board found the Taxpayer did not present sufficient evidence to support values different from that established by the County Board. *See Tr., 8-19-13, p. 104, ll. 3-8.*
- 7) The State Board affirmed the decision of the County Board. *See Tr., 8-19-13, p. 104, ll. 3-16.*
- 8) The assessed value as previously determined by the County 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 has jurisdiction to determine this matter.
- 2) The Taxpayer and the Assessor are subject to the jurisdiction of the State Board. In particular, the State Board has jurisdiction to hear Taxpayer's appeal for the 2013-2014 secured roll pursuant to NRS 361.360(1) and NRS 361.400.
- 3) The Taxpayer failed to appear at the hearing. Pursuant to NAC 361.708, the State Board proceeded with the hearing.
- 4) The State Board has the authority to determine the taxable values in the State.

- 5) The Taxpayer has the burden of overcoming the presumption that the Assessor's valuation is correct. See *Pittsburg Silver Peak Gold Mining Co. v. Tax Commission*, 49 Nev. 46, 54-55 (1925); See Tr., 8-19-13, p.104, ll. 6-8.
- 6) The subject property is appraised at the proper taxable value as previously determined by the County Board in accordance with NRS 361.227 for the 2013-2014 tax year.
- 7) 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 denied, based on the above Findings of Fact and Conclusions of Law. The Lyon County Comptroller is instructed to certify the assessment roll of the county consistent with this decision.

BY THE STATE BOARD OF EQUALIZATION THIS 31st DAY OF OCTOBER, 2013.

A handwritten signature in dark ink, appearing to read 'C. Nielsen', written over a horizontal line.

Christopher G. Nielsen, Secretary
CGN/ter