



STATE OF NEVADA
STATE BOARD OF EQUALIZATION

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CHRISTOPHER G.
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Secretary

In the Matter of

Franks Revocable Living Trust, et al
APN: 163-19-802-003
Clark County, Nevada
PETITIONER

Michele Shafe
Clark County Assessor
RESPONDENT

Appeal of the Decision of the
CLARK COUNTY
BOARD OF EQUALIZATION

Case No. 13-368

NOTICE OF DECISION

Appearances

No one appeared on behalf of the Franks Revocable Living Trust, et al (Taxpayer).

Kathy Miller and Mary Anne Weidner 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 September 16, 2013 after due notice to the Taxpayer and the Assessor.

The Assessor offered new evidence consisting of information about comparable sales. The State Board admitted the new evidence into the record. *See Tr., 9-16-13, p. 17, l. 17 through p. 18, l. 4; NAC 361.739.*

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. The Department provided evidence to show the Taxpayer received notice of the hearing. *See Tr., 8-19-13, p.16, ll. 21-23; Record, SBE page 65.*
- 4) The subject property consists of an apartment complex containing 88 units, built in 1988, known as Villaggio di Murano, and located on 4.77 acres on Tompkins Avenue, west of South Ft. Apache Road and north of Tropicana Avenue in Las Vegas, Clark County, Nevada. *See Record, SBE pages 10; 40-41; and 57-60; Tr., 9-16-13, p.17, ll. 3-9.*
- 5) The Clark County Board of Equalization (County Board) ordered the total taxable value for the subject property of \$6,731,971 be upheld for the 2013-2014 secured roll. *See Record, SBE pages 16 and 63; Tr. 9-16-13, p. 17, ll. 7-9.*
- 6) The State Board found the Taxpayer did not present sufficient evidence to support values different from that established by the County Board and did not overcome the presumption that the Assessor's valuation is correct. The Assessor sufficiently supported the taxable value with market data. *See Tr., 9-16-13, p. 19, ll. 8-17.*
- 7) The State Board affirmed the decision of the County Board. *See Tr., 9-16-13, p. 19, l. 18 through p. 20, l. 2.*
- 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 accepted jurisdiction to determine this matter.
- 2) The Taxpayer and the Assessor are subject to the jurisdiction of the State Board.
- 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 subject property is appraised at the property taxable value without further adjustment, in accordance with NRS 361.227.
- 6) 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 Clark County Comptroller is instructed to certify the assessment roll of the county consistent with this decision.

BY THE STATE BOARD OF EQUALIZATION THIS 27th DAY OF NOVEMBER, 2013.

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

Christopher G. Nielsen, Secretary
CGN/ter