

# STATE OF NEVADA STATE BOARD OF EQUALIZATION

BRIAN SANDOVAL Governor

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In the	Matter of )	
	Pacifica Sky Court, LLC ) APN: 163-17-112-001 ) Clark County, Nevada )	
	PETITIONER )	Case No. 16-222
	Michele Shafe ) Clark County Assessor ) RESPONDENT )	Case NO. 10-222
	Appeal of the Decision of the ) CLARK COUNTY ) BOARD OF EQUALIZATION )	

## **NOTICE OF DECISION**

#### **Appearances**

Wayne Tannenbaum of Pivotal Tax Solutions appeared on behalf of Pacifica Sky Court, LLC (Taxpayer).

Suki Peterson, Brian Lemons, and Mary Ann 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 2016-17 Secured Roll within Clark County, Nevada, came before the State Board of Equalization (State Board) for hearing in Las Vegas, Nevada, on May 3, 2016 after due notice to the Taxpayer and the Assessor.

The Taxpayer offered new evidence consisting of a pro forma net operating income analysis. The Taxpayer withdrew the evidence. See Tr., 5-3-16, p. 167, II. 12-18. The Assessor offered new evidence consisting of information and analysis of a comparable sale. The State Board admitted the new evidence into the record. See Tr., 5-3-16, p. 168, I. 22 through p. 169, I. 8.

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.
- 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 Record, SBE page 276.
- 4) The subject property, known as Sky Court Harbors at the Lakes, is 94 units of a 184-unit condominium complex built in 1989, with an average unit size of 1,013 square feet and located on the southwest corner of West Desert Inn Road and El Capital. Way, a half mile west of Durango Drive in Spring Valley, Clark County, Nevada. See Record, SBE page 177; Maps, pages 261-263; Tr., 5-3-16, p. 166, Il. 12-21.
- 5) The Clark County Board of Equalization (County Board) ordered the total taxable value for the subject property of \$6,450,193 be upheld for the 2016-2017 secured roll. See Record, SBE pages 36; 267-271; Tr. 5-3-16, p. 166, II. 22-24.
- The State Board found the Taxpayer did not present sufficient evidence to support values different from that established by the County Board. The State Board reviewed the components of the income approach employed by the Assessor and found the Assessor's use of a 7-1/2% cap rate is conservative and adequately accounts for the risk associated with capital expenditures and cost of curing the furniture, fixtures, and equipment within the units. The State Board also found the imputed value per unit of \$68,619 is comparable to the market, and the taxable value does not exceed full cash value. See Tr., 5-3-16, 180, I. 11 through p. 182, I. 10.
- 7) The State Board affirmed the decision of the County Board. See Tr., 5-3-16, p.182, l. 14 through p. 183, l. 4.
- 8) 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 at the proper taxable value as previously determined by the County Board in accordance with NRS 361.227 for the 2016-2017 tax year. The assessed value is 35% of taxable value.
- 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 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  $30^{\frac{6}{2}}$  DAY OF JUNE, 2016.

Deonne Contine, Secretary

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