



STATE OF NEVADA
STATE BOARD OF EQUALIZATION

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Governor

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MELANIE YOUNG
Secretary

In the Matter of)	Case No. 19-116
)	
APN: 010-740-036)	
)	
BH8A LLC et al.,)	
PETITIONERS)	
)	
v.)	
)	
Katrinka Russell,)	
Elko County Assessor)	
RESPONDENT)	
)	
Appeal of the Decision of the Elko County)	
Board of Equalization)	

NOTICE OF DECISION

Appearances

Brandon Vandermyde appeared on behalf of Petitioners, BH8A LLC et al. (Taxpayers).

Katrinka Russell and Janet Iribarne appeared on behalf of the Respondent, the Elko County Assessor's Office (Assessor).

Summary

The matter of the Taxpayers' petition for review of property valuations for the 2019-2020 Secured Roll within Elko County, Nevada, came before the State Board of Equalization (State Board) for hearing in Carson City and Las Vegas, Nevada, on August 26, 2019, after due notice to the Taxpayers and the Assessor. The subject property is vacant land in West Wendover, Nevada.

On or about January 2, 2019, the Taxpayers petitioned the Elko County Board of Equalization (County Board) for a review of taxable valuation of the real property in this matter. On or about February 21, 2019, the County Board held a hearing and reviewed the Taxpayers' petition. The County Board accepted the Assessor's recommendation to reduce the total taxable value of the subject property from \$1,170,000 to \$733,373. On or about March 6, 2019, the Taxpayer appealed to the State Board.

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 Taxpayers 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 Taxpayers have the burden of proof pursuant to NAC 361.741.
5. The subject property was listed for sale for 5 years before it was purchased by Taxpayer for approximately \$195,800 in August 2018.
6. The State Board found the sale to the Taxpayers was an arms' length transaction.
7. The subject property is approximately 390 acres. For purposes of assessment, the property was divided into four sections labeled "Site A," "Site B," "Site C," and "Site D."
8. The Assessor's determination of taxable value was based in part on the likelihood that portions of the subject property, including portions of the 257 acres in "Site C," will be developed.
9. Portions of the subject property labeled "Site A" and "Site B" could eventually be developed and \$3,500 per acre is appropriate, but it appears to be only a remote possibility that "Site C" or "Site D" will be developed and a value of \$500 per acre is appropriate for that area.
10. 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 Taxpayers and the Assessor are subject to the jurisdiction of the State Board.
2. The State Board has the authority to make an independent valuation of the property which may be different from any valuation proposed by either party.
3. The Assessor's valuation is not supported.
4. The Taxpayers presented sufficient evidence to support a reduction in the taxable value of the subject property.
5. Obsolescence applies to the subject property based on the challenges for development.
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

Based on the above Findings of Fact and Conclusions of Law and a preponderance of the evidence, the State Board decided by unanimous vote that the total taxable value of the subject property should be adjusted to \$373,392. The Elko County Comptroller is instructed to certify the assessment roll of the county consistent with this decision.

BY THE STATE BOARD OF EQUALIZATION THIS 10th DAY OF October, 2019.

Melanie Young
Melanie Young, Secretary