



lots with topography problems (steep slope) which sold at or below \$53,000. In 1998 there were five sales<sup>1</sup>, three of which involved sloped lots selling for \$49,000 to \$52,000. The better view properties (lots 4 & 22) sold for \$73,000 and \$68,500, respectively. The balance of the lots sold in 1999, including the subject (lot 7) and the three properties immediately adjacent to the west (lots 8-10). These four lots are at the end of the cul-de-sac. They are tree covered and below the view properties to the east (lots 1, 2 & 25). They do not enjoy a view of Mt. Bachelor, as do some of the others. All of these non-view lots, including the subject, overlook the college, with lots 9 and 10 abutting the dorm parking lot.

### **COURT'S ANALYSIS**

The issue is market value, which is “the amount in cash that could reasonably be expected to be paid by an informed buyer to an informed seller, each acting without compulsion in an arm's length transaction occurring as of the assessment date for the tax year.” ORS 308.205(1) The assessment date for tax year 1999-00 was January 1, 1999. ORS 308.210(1).

Plaintiff paid \$67,000 for the property in June 1999. The county says the annual trend from July 1, 1998, to July 1, 1999, was three percent. Applying the trend for the six month period from the assessment date to the purchase date suggests a value of \$66,000 (rounded).<sup>2</sup> This suggests that the roll value is fairly reflective of market and certainly well within a comfortable range of tolerance.

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Plaintiff insists that his lot and those adjacent to the west, all of which sold in

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<sup>1</sup> One of these sloped lot sales involved 2 lots and sold for a total of \$104,500.

<sup>2</sup> \$67,000 x .985 = \$65,995.

1999, have a lesser value than the lots immediately to the east, which sold two years earlier for \$8,000 more. The evidence tends to support that argument. Plaintiff contends he paid too much for his lot, as evidenced by the sale prices of two adjoining lots in October (lots 8 & 9) for \$54,000 and \$50,350. Also, lot 10 sold in April 1999 for \$53,000. These sales (including the subject) were among the last to occur. Plaintiff believes the market was declining and that his value should be lowered 11.5 percent because of the reduction in the asking price of lot 8, which is immediately adjacent to him. Plaintiff testified that lot 8, which sold in October 1999, only sold after the asking price was dropped \$7,000 (11.5 %).

A reduction in the asking price does not necessarily mean the market declined. It could just as easily be that the original asking price was too high. The more persuasive argument is that these adjoining lots selling in 1999 demonstrate that the subject was sold for more than it was worth. However, that assumes plaintiff's lot is truly comparable to these lots. Plaintiff's lot lies in between these properties, selling for prices under \$60,000, and those to the east selling for \$75,000. This suggests plaintiff's lot shares some attributes of each group and correctly sold for a price somewhere in the middle.

There are a variety of possible explanations for the lower sale prices of the lots next to plaintiff (lots 8, 9 and 10). Among other things, two of them are abutting the college campus and student parking lot. There is a path between two of these lots used by the students. To grant the requested relief the court would essentially have to discount the purchase price or be persuaded that the market declined significantly. The evidence does not support that request.

## **CONCLUSION**

After thoughtfully reviewing the evidence the court concludes that plaintiff has failed to substantiate his case for a reduction in the RMV. Accordingly, the roll value is sustained and the requested relief denied.

Now, therefore;

IT IS HEREBY ADJUDGED AND DECREED that plaintiff's appeal is denied. The RMV of Deschutes County Assessor's Account No. R 1-001 171230-CB-00414 (192041), for the 1999-00 tax year, was \$69,010.

Dated this \_\_\_\_\_ day of July, 2000.

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DAN ROBINSON  
MAGISTRATE

**THIS DOCUMENT WAS SIGNED BY MAGISTRATE DAN ROBINSON ON JULY 25, 2000. THE COURT FILED THIS DOCUMENT ON JULY 25, 2000.**