

IN THE OREGON TAX COURT
MAGISTRATE DIVISION
Small Claims
Property Tax

JOHN R. MITCHELL)
and KATHRYN A. MITCHELL,)
)
Plaintiffs,) TC-MD 050531A
)
v.)
)
DESCHUTES COUNTY ASSESSOR,)
)
Defendant.) **DECISION and JUDGMENT**

Plaintiffs appealed the assessment of an item of personal property, identified as Serial No. 208105 and Voucher 169303, for the 2004-05 tax year. Plaintiffs appeared and presented their case. Defendant was represented by Shelly Starbuck, of its staff.

I. STATEMENT OF FACTS

The item at issue is a CNC milling machine, a Milltronics VM 16. It is carried on the roll at a real market value of \$27,284. Mr. Mitchell, who is now retired, used it when he was doing development work. Now he does not use it at all. Plaintiffs spoke of efforts to sell it a couple of years ago for \$20,000, with no takers, and that \$10,000 to \$15,000 would be how much a dealer would offer for it.

Deschutes County told of how values typical for this machine on the Internet ranged from \$19,000 to \$25,000.

II. ANALYSIS

The milling machine is business property. It was used by Plaintiffs for a commercial purpose, and it retains that character until it is either converted to a personal use or Plaintiffs dispose of it. Even though Mr. Mitchell has retired, his machine has not.

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As to the value of the machine, Plaintiffs' testimony that a dealer would pay them in the range of \$10,000 to \$15,000 means that the value of the machine must be more. The value sought is the price at which the dealer would subsequently sell the machine, which is correspondingly higher. Defendant's testimony of values on the order of \$19,000 to \$27,000 is consistent with Plaintiffs' testimony.

Real market value is a range of value. Although it is understandable how Defendant, in the process of mass appraisal, came to place a value of \$27,284 on the property, it strikes the court that, on the basis of Plaintiffs' testimony and Defendant's insights, a more accurate estimate of the value of the machine is \$20,000. The appeal is granted to that extent. Now, therefore,

IT IS ADJUDGED that the value of the milling machine is \$20,000. Defendant shall adjust the value of the account accordingly.

Dated this _____ day of November 2005.

SCOT A. SIDERAS
MAGISTRATE

THIS DOCUMENT IS FINAL AND MAY NOT BE APPEALED. ORS 305.514.

This document was signed by Magistrate Scot A. Sideras on November 30, 2005 . The Court filed this document on November 30, 2005.