

What are You Basing Your Valuation Complaint On?

- **There was a Recent, Qualifying Sale of the Property at a Lower Value**

Often, strong evidence of a valuation that is different from that of the Auditor's is presented through evidence showing a qualifying sale. - You may have a strong case for an appeal to the Board of Revision.

A 'recent' and 'qualifying' sale must meet *BOTH* of these criteria:

- A 'recent' sale must generally occur within +/- 2 years (24 months) before or after January 1 of the tax year being challenged.
- A 'qualifying' sale is one that takes place between unrelated parties who act freely in negotiating the terms and conditions of the sale. Certain sale types **MAY NOT** qualify: a sale of property by HUD or one that occurs through forced sale (e.g. a sheriff's sale). The transfer of a property between relatives also may not qualify.

Please note: any of these factors may be challenged by another party to the appeal.

- **I Have a Formal Property Appraisal for Purposes of This Valuation Complaint**

Often, strong evidence in the form of a formal appraisal **for the purposes of this complaint**, may be sufficient for you to have a strong case to file a complaint with the Board of Revision.

If using an appraisal, please make sure that the following apply:

- It was performed by a qualified appraiser who can be present to testify at your Board of Revision hearing, regarding his/her qualifications and the steps taken to estimate value, AND
- The appraisal was performed for the purpose of this tax complaint, AND
- The appraisal reflects an opinion of value 'as of' the tax lien date in issue (January 1 of the tax year in issue)

Please Note: Even if you have a qualifying appraisal, another party to the appeal may rely on a competing qualifying appraisal or may challenge the accuracy/sufficiency/quality of your appraisal.

- **You Have Comparable Sales Data ('Comps') from a Realtor, Internet, Etc.**

Comparable sales data without a formal appraisal generally does **NOT** demonstrate a property's value. A variety of comparison factors are taken into consideration by an appraisal expert when establishing a property's value.

Specca v. Montgomery Cty. Bd. of Revision (Mar. 25, 2008), BTA No. 2006-K-2144, unreported, <http://app.bta.ohio.gov/06K2144dec.pdf> (discussing the utility of a simple listing of sales over time frame, as well as much information is of little utility in determining a property's value)

- **The Economy is Bad in the Area of the Property**

Claiming poor economic conditions generally does NOT demonstrate the reduced value of the property because the argument does not quantify the effect that the specific economic condition has on the property in question.

unreported, <http://app.bta.ohio.gov/2012-L-3211.pdf> (pointing out that real property values, even within a small geographic area, may vary greatly due to a number of factors and that a general economic condition does necessarily impact the values of all real property equally)

- **The Listing Price of a Similar Unsold Home is Lower Than My Property's Value**

Showing a listing price of an unsold property does **NOT** demonstrate value, since it is a desired price - but unsupported is by the sale of the property - and does not take into account the unique characteristics of the subject property.

Kaiser v. Franklin Cty. Aud., Franklin App. No. 10AP-909, 2012-Ohio-820, <http://www.supremecourt.ohio.gov/rod/docs/pdf/10/2012/2012-ohio-820.pdf> ('[A] listing price, in essence an aspirational selling price, is not conclusively probative of what a willing buyer would pay for the property in an arm's-length transaction, and is therefore not conclusively probative of actual market value.'); *Staral v. Cuyahoga Cty. Bd. of Revision (Apr. 12, 2013), BTA No. 2012-X-1333, unreported, <http://app.bta.ohio.gov/2012-X-1333.pdf>*

- **My Property Has Negative Characteristics**

Claiming negative property characteristics without a formal appraisal does NOT demonstrate value. A formal appraisal is required to assess the impact of these characteristics on the value of the property.

Gupta v. Cuyahoga Cty. Bd. of Revision (1997), 79 Ohio St.3d 397, <http://www.supremecourt.ohio.gov/rod/docs/pdf/0/1997/1997-ohio-376.pdf> (citing to Throckmorton v. Hamilton Cty. Bd. of Revision (1996), 75 Ohio St.3d 227, which held that '[e]vidence of needed repairs, or the cost of needed repairs, while a factor in arriving at true value, will not alone prove true value. It is the decrease in true value that may result from the need for repairs that is the important factor to be determined by the BTA.')

- **Data from an Internet Property Site Shows That My Property Is Overvalued**

A general statement of over- / under-valuation of a property without a formal appraisal generally does NOT demonstrate a property's value. A variety of comparison factors are taken into consideration by an appraisal expert when establishing a property's value.

Cors v. Montgomery Cty. Bd. of Revision (Jan. 25, 2008), BTA No. 2006-K-1195, unreported, <http://app.bta.ohio.gov/06K1195dec.pdf>