

Court rules in favor of homeowners on Incline Village property values

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The Nevada Supreme Court on Friday ruled in favor of 35 Incline Village homeowners about their property values for 2004-05, setting a pattern of overturning state and county tax officials.

In a decision in December 2006, the court ruled in favor of 17 homeowners by ordering their 2003-04 property values to be returned to the previous year's levels and refunds be paid.

It declared a mass appraisal of Incline Village and Crystal Bay for that tax year used "unconstitutional, nonuniform" methods in valuing Lake Tahoe views, beaches and other factors.

Those methods were not approved by the state or applied to other areas of the county.

In this new decision involving property owner Les Barta and 34 others over property values set for 2004-05, the court ruled their property values also were no good because they were based on using a factor, or multiplier, to adjust values set by that bad mass appraisal.

The court ordered their property tax values to be reset to the 2002-03 tax year and refunds be given including six percent interest a year.

"You can't take a bad number and make it a good number by multiplying it by something," said Suellen Fulstone, a lawyer for the homeowners and the Village League to Save Incline Assets.

"This is a very good case for us," Fulstone said.

Residents have filed appeals of their property values every year since and those cases still are winding through the courts. In Washoe County,

property is physically appraised every five years and then a factor is used in the intervening years.

In future years, Fulstone predicted thousands of people who appealed their cases could be getting similar refunds. And that could add up to millions of dollars.

Washoe County Assessor Josh Wilson could not be reached for comment Friday on what the county bill will be.

Terry Shea, a county deputy district attorney, said he didn't know, either. He also didn't have a total for the number of homeowners who have similar cases pending. But he said at least 300 of them settled with the county over property values for tax year 2006-07.

"I know this liability is sitting in front of us. I'm sure there will be an effect down the line, I just don't know what it is," he said.

In April, Incline Village tax protesters filed a federal lawsuit to end "the unconstitutional and excessive tax bills" on behalf of all Incline homeowners.

Assessor Wilson has contended the lawsuit should have little effect. He said his staff followed rules set by the Nevada Tax Commission in 2004 for valuing lake views and beaches at the lake in a new mass appraisal for Incline Village for the current tax year.

Fulstone contends the office still isn't following the rules.

"They still are not following the regulations, even if it may be a little more subtle," she said.

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