

PETITION FOR REVIEW OF REAL PROPERTY VALUATION

PURSUANT TO A.R.S. TITLE 42, Ch. 15, Art. 3 and Ch. 16, Art. 1-5

FOR OFFICIAL USE ONLY

403

FILED FOR TAX YEAR 2013

See Instructions for complete filing information

- In all counties, mail or hand deliver one copy of this completed petition to the County Assessor. Retain a copy for your records (and for use in possible further appeals). Taxpayers receiving a Notice of Value have sixty days from the date the notice was mailed to file this petition. United States Postal Service postmark dates are evidence of the dates petitions were filed and decisions were mailed.
- The County Assessor may reject any petition not meeting statutory requirements. Only one petition for each parcel or economic unit will be accepted. Any duplicate petition(s) will be returned.

COMPLETE SECTIONS 1 THROUGH 10 WHERE APPLICABLE. TYPE OR PRINT

1. DATE FILED 5-10-2012 COUNTY Cochise BOOK _____ MAP _____ PARCEL 105-18-010P
2. PROPERTY ADDRESS OR LEGAL DESCRIPTION: Attached legal description
3. IF THIS IS A MULTIPLE PARCEL APPEAL CHECK HERE . ATTACH A MULTIPLE PARCEL APPEAL FORM (DOR 82131). SEE INSTRUCTIONS.
4. USE OF PROPERTY: COMMERCIAL / INDUSTRIAL (SPECIFY TYPE: Apartment, Office, warehouse, etc.) _____
 VACANT LAND AGRICULTURAL OTHER

5A. OWNER'S NAME
Arthur R. Tanner Revocable Trust
 NAME
1215 E. Tuckey Ln
 ADDRESS
Phoenix, Arizona 85014
 CITY, STATE, ZIP CODE

5B. MAIL DECISION TO: (IF DIFFERENT THAN 5A)
 NAME _____
 ADDRESS _____
 CITY, STATE, ZIP CODE _____

5C. IF OWNERSHIP HAS CHANGED CHECK HERE . ATTACH RECORDED DOCUMENTATION.

6. PETITION COMPLETED BY: (Specify Owner, Agent, Attorney, etc.) Arthur R. Tanner, Trustee
Arthur R. Tanner
 NAME
1215 E. Tuckey Ln. Phoenix, Arizona 85014
 ADDRESS
 CITY, STATE, ZIP CODE
602-266-3559
 TELEPHONE

AGENTS ONLY: STATE BOARD OF APPRAISAL NUMBER _____ STATE BOARD OF EQUALIZATION NUMBER _____

7. BASIS FOR PETITION: MARKET SALES APPROACH COST APPROACH INCOME APPROACH OTHER (explain below)
 Additional documents submitted must contain the book, map, and parcel number and be attached to the petition in order to be considered by the Assessor. Evidence contained in this appeal could be the basis for either increasing or decreasing the valuation or changing the legal classification of the property.
This parcel is and has been an unuseable site for the purpose of building a residence because it is well restricted beyond the requirements of Cochise Zoning. I feel the various values have been made by error. A meeting is necessary.

8. VALUE SHOWN ON NOTICE OF VALUE	FULL CASH VALUE \$ 66,254	LIMITED PROPERTY VALUE \$ 66,254	LEGAL CLASS 2R	ASMT RATIO 16
9. OWNER'S OPINION OF VALUE	FULL CASH VALUE \$ 500.	LIMITED PROPERTY VALUE \$ 500	LEGAL CLASS 2R	ASMT RATIO 16

10. I HEREBY AFFIRM THAT THE INFORMATION INCLUDED OR ATTACHED IS TRUE AND CORRECT.
Arthur R. Tanner Trustee
 SIGNATURE OF PROPERTY OWNER OR REPRESENTATIVE
 x 602-266-3559 APTANN@cox.net
 TELEPHONE EMAIL

TO REQUEST A MEETING WITH THE ASSESSOR CHECK HERE.
FOR SBOE (IN MARICOPA AND PIMA COUNTIES ONLY):
 If you want this appeal to be heard "On The Record" check here.
 This means that neither you, the Assessor, your Agent, or Attorney (if applicable) will appear before the State Board of Equalization to offer testimony. Submit any additional written or typed information with this appeal to the SBOE.

ASSESSOR'S DECISION	FULL CASH VALUE \$33,127	LIMITED PROPERTY VALUE \$33,127	LEGAL CLASS 2	ASMT RATIO 16
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BASIS FOR DECISION: _____
 SEE ATTACHED

DATE RECEIVED 05/14/12 DATE DECISION MAILED 8/15/12 REVIEWED BY LINDA WEILAND,
 COUNTY BOARD OF EQUALIZATION DECISION ASSESSOR OR CHIEF DEPUTY

ASSESSOR'S DECISION	FULL CASH VALUE \$	LIMITED PROPERTY VALUE \$	LEGAL CLASS	ASMT RATIO
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BASIS FOR DECISION: _____

DATE RECEIVED _____ DATE DECISION MAILED _____ CHAIRMAN OR CLERK OF THE BOARD _____

FOR OFFICIAL USE ONLY

FOR OFFICIAL USE ONLY

RECEIVED
 COCHISE COUNTY
 BOARD OF SUPERVISORS
 SEP - 4 2012



County of Cochise
OFFICE OF THE COUNTY
ASSESSOR
P.O. DRAWER 168
BISBEE, ARIZONA 85603

Philip S. Leindecker
Assessor

Felix Dagnino
Chief Deputy

TAX YEAR	<u>2013</u>
APPEAL #	<u>403</u>
PARCEL #	<u>105-18-010P</u>
ASSESSOR DECISION DATE	<u>8-9-2012</u>
PHYSICAL REVIEW (Y/N)	<u>Y</u>
FCV	<u>\$33,127</u>
LPV	<u>\$33,127</u>
LEGAL CLASS	<u>02R</u>
ASSESSMENT RATIO	<u>16%</u>
APPRAISER	<u>L. Weiland</u>

BASIS FOR DECISION:

Subject is a 1.69 acre vacant parcel in the Antelope Run area currently valued at \$66,254. Appeal is based on the market.

Recent sales in the area support the existing value, including:

- 105-18-022R, a vacant 2 acre parcel located 0.3 mi. west of subject sold in 2011 for \$70,000*
- 105-20-036B, a vacant 1 acre parcel located 0.7 mi. southwest of subject sold in 2010 for \$80,000*
- 105-20-031D, a 1 acre vacant parcel located 0.9 mi. southwest of subject sold in 2010 for \$91,000*
- 105-20-026X, a vacant 2 acre parcel located 0.9mi. southwest of subject sold in 2011 for \$150,000*

The zoning of subject parcel is TR-36 (residential 36,000 sq. ft per unit), and County Planning and Zoning has indicated that a permit could be issued for a residence on the property. However, the appellant states that the parcel is unbuildable due to a deed restriction limiting Antelope Run lots to 4 acre minimum building sites. The appellant has an provided a copy of an amendment to the Antelope Run restriction that allows a minimum lot size of 2.38 acres for a portion of his parcel, and has requested an amendment to the Antelope Run restrictions to reduce his minimum lot size to 1.69 acres from Sierra Vista Realty (original developers of Antelope Run), but was denied. The appellant is currently pursuing legal remedies to allow his parcel to be built under the Antelope Run CC&R's.

Based on the legal issues to be resolved, a 50% discount for cost to cure is placed on the subject. No further adjustment is warranted at this time.

APPROVED 

Cochise County Board of Supervisors

8-27-2012

Request for a hearing on the value of parcel 105-18-010P

This is to review the value that has already been reduced by the Assessor

I will submit my material with this submittal, however I would appreciate the opportunity to appear at the hearing just in the event I am able to answer questions I may not make clear with this submittal.

Attached to this letter are a number of documents and facts, some of them not already in evidence.

Thank you,

Arthur R. Tanner revocable trust, Arthur R. Tanner, trustee


Arthur R. Tanner

1215 E Tuckey Ln.

Phoenix, Az. 85014

602-266-3559

Licensed to sell and appraise real estate, Broker since 1965, and other activities as listed below:

I have testified in superior court as to the proper value of, Residential, Commercial, multifamily properties in four counties.

I have volunteered my time for several years for Pima County, to act as a hearing officer to settle valuation disputes, mostly on commercial properties, but acting in behalf of the county.

I have been a commercial leasing specialists for shopping areas

I have been a member and designated as a professional appraiser for the Society of Real Estate Appraisers, and the American institute of Appraisers.

I was a trustee for the estate ff John W. Murphey, who owned among other things, 8,000 acres in the choice foothill residential area, which required me and my co-trustee to subdivide and market most of the foothills including development of La Paloma golf course and hotel.

As an investor I have purchased delinquent tax liens in many counties of the state, including Cochise, over a period of 25 years, which activity would include thousands of liens.

I was President of the State of Arizona Mortgage Bankers Association

Parcel 105-18-010P

Here is my suggestion, It is clear that the property cannot be developed, without significant risk, the risk is related primarily to , whether you build a home, or sell to a person who builds a home, then cannot finance or sell without curing the issue of having less land than is required by the subdivision restrictions.

I would like to have the value reduced to \$10,000, then work to cure the problems. If I see no solution, I may walk away from my investment in the property. If I can see some daylight, I will pay taxes until I see no reasonable solution.

This property does not have the size required by restrictions, and never has had the amount f size required.

I've seen a couple of cases where persons, not knowing the legal risk, have built, so the problem may not just be getting a permit to build, but having the possibility of resale., to the property without that possibility, there is no value.

I have made an exhaustive research of Antelope Hills and have found no other comparable properties. If the approx, ½ acre had not been removed at the North side, I would be much closer to having a building site without the risk of significant, litigant expense to defend my actions.

Even at \$10,000, we are only at a point where the expense of holding the property is not so high that I give up the chance of some future solution.

If there becomes a future solution, then the property will be developed and the State and County will start being able to tax the parcel, as though it had not had these problems.

It is in my interest to find a solution and make it possible to tax the property, at a higher rate.

Thank you,



Arthur R. Tanner, Trustee

Parcel 185-18 010P

FEB 26 1986 9AM
H-2
5.00

AMENDMENT TO RESTRICTIONS

For the consideration of ten Dollars, and other valuable considerations,

Sierra Vista Realty, Inc., an Arizona Corporation does hereby amend those certain restrictions set forth in Warranty Deed recorded January 5, 1978, in Docket 1206, page 387 and 388, as to that portion of Parcel 7, more particularly described as follows: the Southeast one-quarter and the East one-half of the Southwest one-quarter of Parcel 7, according to Report of Survey in Book 2 of Surveys, page 40 thru 43 records of Cochise County, Arizona.

The above mentioned restrictions are amended as to building site size to read as follows:

The minimum size building site will not be less than 2.38 acres gross.

All other restrictions set forth in the above mentioned deed remain unchanged.

Dated this _____ day of December, 1978

Sierra Vista Realty, Inc., an Arizona Corporation

By: Bob B. Watkins
Bob B. Watkins, President

STATE OF ARIZONA)
) ss.
County of Cochise)

This instrument was acknowledged before me this 15 day of December, 1978 by Bob B. Watkins, President of Sierra Vista Realty, Inc., an Arizona Corporation

Frank L. Hughes
NOTARY PUBLIC

My commission will expire

My Commission Expires July 8, 1981



FILE # 860203930
OFFICIAL RECORDS
COCHISE COUNTY
DATE HOUR
02/26/86 9

REQUEST OF
COCHISE TITLE CO.
CHRISTINE RHODES-REICRODER
FEE : 5.00 PAGES : 1

86003930

OFFER To Sell To Boone.

Dear Mr. & Mrs. Boone

8-23-2012

It was nice to visit with you and I hope you both quickly recover from your fall and surgery.

I had rented a room in Sierra Vista but couldn't sleep, I got up at 1:30 am and drove home to Phoenix. I got here just as the Paper deliver threw our paper in the driveway.

I've thought about our two lots and I wonder whether you'd have any interest in buying my lot. I heard you mention you had some thought of buying part of the lot W. of you at one time.

I think you are in the same situation the Walstons were in, in that it was fine as long as they lived there, but ran into trouble, when they tried to sell, not so much from your neighbors, as more likely from the buyer, when he sees there is not quite enough land there. I don't know whether you have heirs that would have that trouble if you plan to live there the rest of your lives, actually, I couldn't think of a better place.

I just met with the assessor and was able to have the lot cut in half, for value, but it is still quite a bit, so I may meet with a judge at a higher level.

I have about \$12,000 invested in the lot and about another \$12-1300 hundred this year after paying taxes, my reduction doesn't take place until next year.

I was thinking that if you would pay \$13,000, for the whole lot, that would pretty well get me out and would help you. There would be a little more expense at the title Co., which we would split.

There is another angle to this, if you had both lots, you could join them together as one and the assessor, I believe would determine that it is your lifestyle to live on the two lots and there should be some reduction in the overall tax, rather than tax two lots.

You could have most any terms that fit your situation, if you are interested, You mentioned that you have a real estate lady there that you respect, you could talk it over with her if you wish, but I wouldn't want to pay a commission.

When I met with the assessor, they were able to show me sales, mostly to the South West, but still in Antelope hills, and there prices were in the \$70,000 to \$90,000 range.

Of course I don't have a full lot and neither of us have, but if you combined the lots, you would have a full lot and possibly increase your value.

I'm not pushing you to do this, but I think I would if our situations were reversed.

If we can't work out something like this, I believe I'll put a "for sale sign" and see what happens.

Again, it was nice to see you, and if you have any interest in the transaction, let know and we will try to work it out.

Best wishes,

Arthur R. Tanner

602-266-3559

Land sales of this nature are hard to find. I have reviewed each of the comparable sales proposed by the assessor's office prior to our preliminary meeting, and none of them are comparable. They are all of sufficient size without restriction problems; actually two of them have homes on them.

My neighbor, Boone, has a well that is 550' deep, which he says; together with pressure tanks cost approx. \$18,000

Tax lien properties are by their nature a high risk investment, and I have had, over 25 years, a few parcels where I have walked away from my investment. There are times when an owner does not pay taxes for good reason; this was one of them, as you see the note at the bottom of Mrs. Guiros letter. I would not have thought to look the restrictions, because the lot appeared large enough, I wouldn't have expected a problem. Neither can the assessor look at each parcel that closely, until a problem develops.

I've offered the parcel to Mr. Boone, since he has a small shortage of land, but he doesn't want it, but he is in his late 80's. The most likely problem would develop when it was time to resell, and a lender or new buyer would notice the non-compliance.

I've written Mr. Watkins, the developer whether he would buy it, or whether a broker in his office would list it, but received no reply.

Thank you for your consideration.

Recent valuations of parcel 105-18-010P

2013	\$ 62,254
2012	62,254
2011	82,818
2010	60,525
2009	60,525
2008	60,525
2007	60,525
2006	39,495

re brightens

is 2011

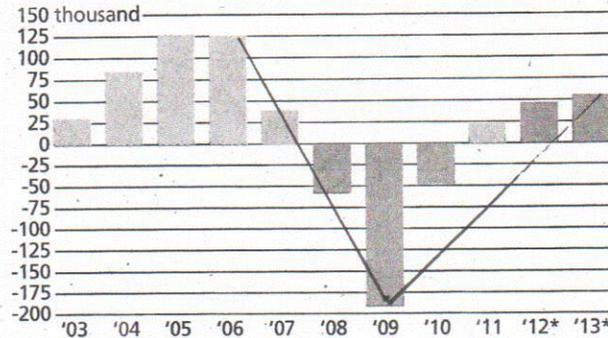
J.S. job growth
April, although
ment rate
1 percent. **D1**

r of economic
te Office of Em-
lation Statistics.
ng the month af-
e," Murthy said.
isitive trajectory
g that things are

es after Arizona
an it created for

ARIZONA RECOVERY GAINS STRENGTH

These figures show the average change in the number of jobs created in Arizona since 2003.



Note: Non-farm jobs; *Projected growth
Source: Arizona Office of Employment and Population Statistics, in cooperation with U.S. Department of Labor, Bureau of Labor Statistics
COURTNEY KAM/THE REPUBLIC

Actual
Market
Activity

my values

2013	62,254
2011	82,818
2009	60,525
2006	29,495



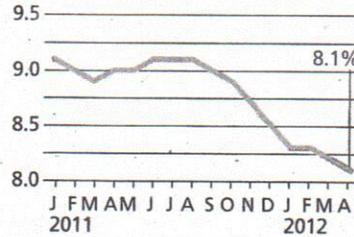
my value went up 37% from 2010 To 2011

ession trickle back

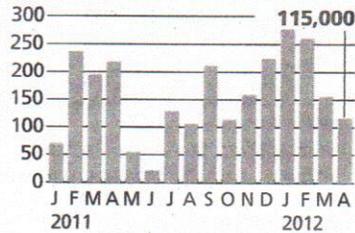
115,000 jobs added in were fewer than the 300 jobs added in March, a over the government re- up from its earlier esti- of 120,000. It also marked a decline from December h February, when the omy averaged 252,000 jobs onth. e percentage of adults ing or looking for work has

JOB CREATION HITS SLUMP

The monthly unemployment rate for the past 16 months:



Monthly net change in non-farm payroll employment:



DBS, Page D4

Source: Department of Labor

NOTE: Seasonally adjusted figures AP

MARKET Activity relates To Jobs

Legal description

Parcel 105-18-010P

Exhibit A

That portion of Parcel 7 and Parcel 10, according to Book 1 of Surveys, pages 40 through 43, records of Cochise County, Arizona, more particularly described as follows:

BEGINNING at the Northeast corner of said Parcel 10;
thence South 00°01'12" West along the East line of said Parcel 10, a distance of 91.22 feet;
thence South 89°46'05" West a distance of 364.03 feet;
thence North 00°00'16" West a distance of 201.25 feet;
thence North 89°45'20" East a distance of 364.12 feet to a portion on the East line of said Parcel 7;
thence South 00°01'12" West along said East line a distance of 110.19 feet to the POINT OF BEGINNING;

EXCEPT ½ of all oil, gas, minerals, metals or similar mining or extraction rights as reserved in Deed recorded in Docket 263, page 524, records of Cochise County, Arizona.

Mailed 11-2-10
Reid 11-29-10

Diane C. Guidroz
433 Meadow Ct.
Basalt, Co. 81621

10-10-10

Dear Ms. Guidroz,

A few weeks ago I wrote to you concerning the taxes on your lot in Sierra Vista and asked, if you could, to tell me whether you feel that you can pay the tax, or that you probably won't.

The point of this is, if later you can pay the tax, and if I have started a foreclosure on the tax lien, you there is a chance you might also need to pay attorneys fees.

I do not want to add to the hardship of anyone, so actually I am trying to save you money, if later you pay the tax.

If later you do not expect to pay the tax, then I will proceed, which I wouldn't do if I believed at some identifiable time you expected to pay.

If you will just write a note on the bottom of a copy of this letter it would help us both, on the other hand, if I do not hear from you at all, then it is clear what I need to do.

So, if you are going to respond to this request, please do so with two weeks,

Thank you,

Arthur R. tanner

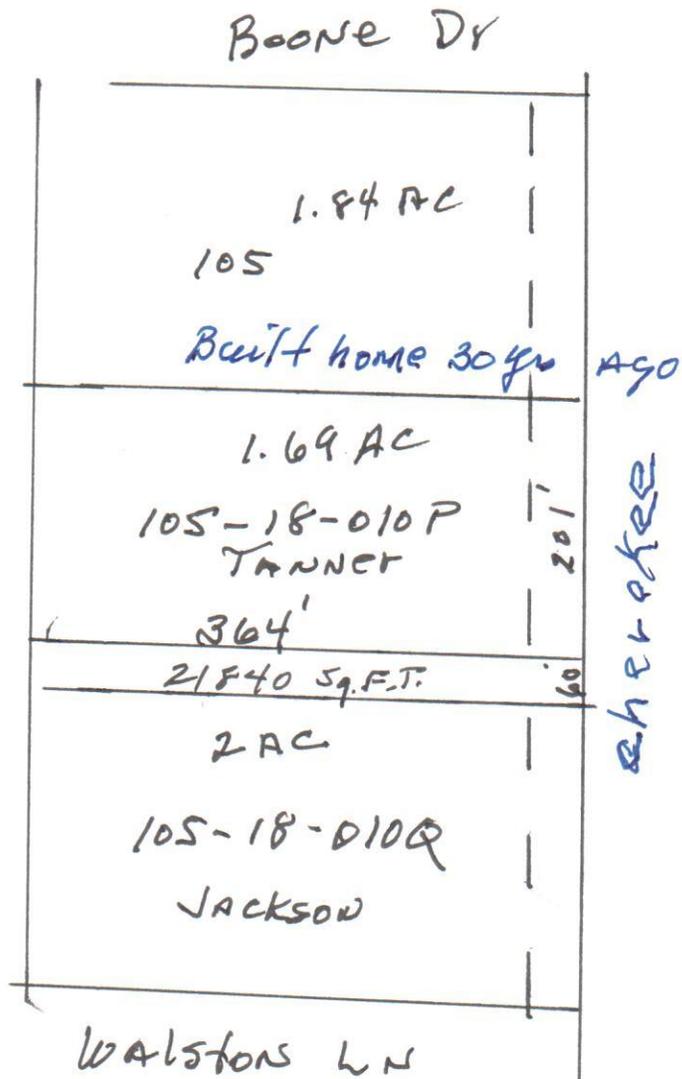
Development Problems
↓

Mr. Tanner,

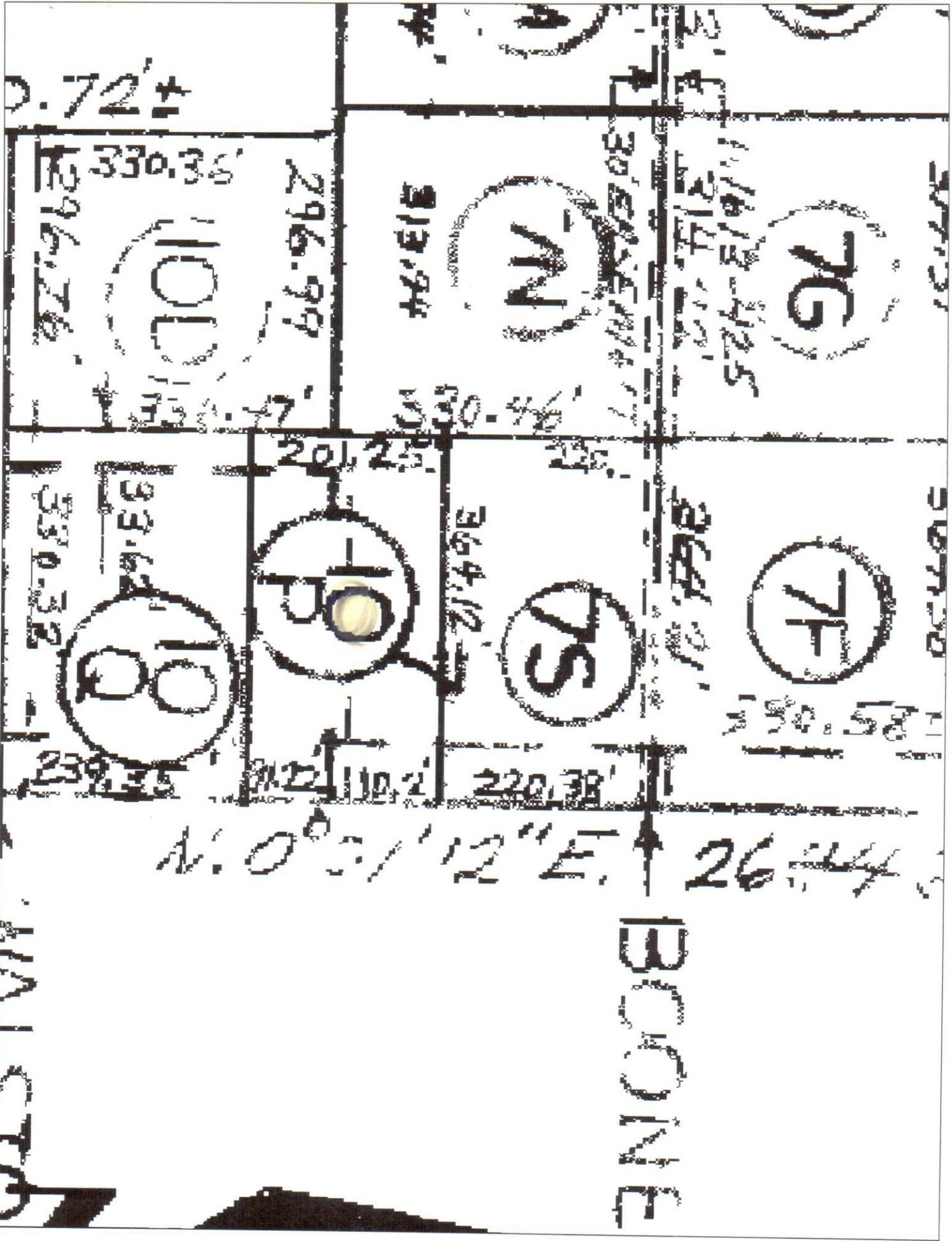
I am looking into pay off the taxes on this property. There are some concerning issues you are not aware of. It is too detailed to explain here. Please leave me alone.

Thank you

Diane



All this land was owned by Walston. Walston built a house & sold 1.84 AC to Boone. Walston tried to sell his house to Jackson. Jackson Lender found that the Walston property was too small, per restrictions & wouldn't lend. Walston then took 60' of the parcel now known as 105-18-010P. This cured the Walston parcel but from 105-18-010P, already too small 1/2 Acre



7G

7F

7S

7B

7A

7D

11613.425
214.225

113.94

296.99

330.38

296.76

0.72*

BOONE

N. 0° 51' 12" E. 26.44

220.38

212.10.2

239.35

30.58

364.12

20.23

30.46

33.6

330.32

364.12

307.20

307.31

VA CT

Sample of Petition To change
restrictions. about 8-10
families signed & recorded these within days
AMENDMENT TO RESTRICTIONS

SEP 21 1989 9AM P
17.00

890919158

APROX 1987

WALSTON, WANDA
5614 FLYING CIRCLE
TUCSON

AZ. 85713

Reference made to the following described property:

see attached legal descriptions.

Which is a portion of Parcel 7 and Parcel 10, Antelope Run, according
to Report of Surveys in Book 1 of Survey, s page 40 thru 43 records
of Cochise County, Arizona.

The Deed Restrictions are hereby amended to read as follows:
The Minimum building site will not be less than 1.68 acres gross.
All other Deed Restrictions set forth shall remain unchanged.

James R. Ackerman Jr.
Ellen Ackerman

James R. Ackerman Jr.
Ellen Ackerman

Wimberly N. Griffin
Ingrid S. Griffin

Wimberly N. Griffin
Ingrid S. Griffin

William O. Marshall Jr.
Ursula I. Marshall

William O. Marshall Jr.
Ursula I. Marshall

STATE OF ARIZONA
COUNTY OF COCHISE

This instrument was acknowledged before me, the undersigned notary public
in and for said state, this 29th day of September, 1987, by James R. Ackerman, Jr.
and Ellen Ackerman, Wimberly N. Griffin and Ingrid S. Griffin,
William O. Marshall Jr. and Ursula I. Marshall.

Carol Lindsey
NOTARY PUBLIC

My Commission expires: Mar, 1988

890919158