

**ASSESSMENT APPEALS BOARD MINUTES  
COUNTY OF SAN LUIS OBISPO  
STATE OF CALIFORNIA**

Friday, September 24, 2004

The Assessment Appeal Board of the County of San Luis Obispo, State of California, met in regular session at 9:00 o'clock A.M., in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, California.

**PRESENT: Appeals Board Members** Mr. Kem Weber, Ms. Trudy Jarrett, Alternate and Chairperson Tom Baron

**ABSENT: Appeals Board Member** Ms. Jenele Buttery

Mr. Wyatt Cash, Deputy County Counsel, is present and represents the Assessment Appeals Board.

Mr. Tom Bordonaro, County Assessor, and Ms. Linda Trahey, Mr. Dan Babcock, Ms. Charron Sparks, Mr. Cory Powell, Mr. Michael Garcia, Ms. Barbara Edginton and Mr. Bob Spurgeon, Deputy Assessors, are present and sworn.

- (1) This is the time set for members of the public wishing to address the Board on items not set on the Agenda.

**Chairperson Baron:** opens the floor to the public without response.

- (2) **Approval of the Findings of Fact for Application Nos. 2001-37 and 2002-34, Sierra Vista Hospital, Inc., and consideration of the stipulation regarding Application Nos. 2003-001, 2003-054, and 2004-008, Sierra Vista Hospital, Inc., are presented.**

**Mr. Cris O'Neill:** attorney representing Sierra Vista Hospital, Inc. is present.

The Clerk indicates she received written correspondence from Ms. Buttery stating she had read and is in agreement with the Findings as presented.

**Thereafter, on motion of Mr. Weber, seconded by Mr. Baron, with Ms. Buttery being absent and Ms. Jarrett abstaining, motion carries and the Board adopts the Findings of Fact for Application Nos. 2001-37 and 2002-34, Sierra Vista Hospital, Inc., as presented and the Chairperson is instructed to sign the same.**

**Thereafter, on motion of Mr. Weber, seconded by Mr. Baron, with Ms. Buttery being absent and Ms. Jarrett abstaining, motion carries and the Board adopts the stipulation for Application Nos. 2003-001, 2003-54, and 2004-008, Sierra Vista Hospital, Inc., as presented and the Chairperson is instructed to sign the same.**

- (3) **Application No. 2002-112, APN 069,123,026, Don & Chris Bratt, is presented.**

**Ms. Christine Bratt:** is present and sworn, requests that the Board continue her matter; states they haven't had time to evaluate a septic problem at the house and are waiting to receive a copy of the Assessor's appraisal.

**Ms. Trahey:** states the Applicant has received a copy of the comparables and objects to the request for a continuance; the Applicant has requested a prior continuance and is familiar with the appeal process; would like the hearing to proceed; indicates the septic issues have no impact on the values in the appeal.

**Thereafter, on motion of Mr. Baron, seconded by Ms. Jarrett, with Mr. Weber casting a dissenting vote, motion carries and the Board continues Application No. 2002-112, Don & Chris Bratt, to December 3, 2004, and advises the Applicant that no further continuances will be granted.**

**(4) Application No. 2002-116, APN 061,071,013, Pamela D. Ponce, is presented.**

Ms. Pamela Ponce is present and sworn.

A discussion occurs regarding what guidelines are used to determine if the subject property is an owner occupied single family dwelling.

**Mr. Cash:** states that with information provided today, it is his opinion that the property is not an owner occupied single family dwelling; and since the purchase price was not enrolled as the value, the Assessor still has the presumption and should go first in presenting their case.

**Ms. Edington:** presents the Assessor's case; **Assessor's Exhibit A - Titled APN 061,071,013 Ponce Appeal (AAB # 2002-116) History of Ownership; Assessor's Exhibit B - Residential Purchase Agreement & Joint Escrow Instructions; and, Assessor's Exhibit C - Rule 462.260, Date of Change of Ownership.**

**Mr. Ponce:** addresses the purchase, commenting on the agreement; provides a history of the home stating that a murder occurred here and the man who committed that murder delayed signing documents to complete the sales.

**Mr. Bordonaro:** comments on the Preliminary Ownership Report forms that were completed.

**Ms. Ponce:** states there were two Ownership Report forms completed and she didn't sign one of them, the title company signed her name, and was done in error.

**Ms. Edington:** addresses the correcting letter from the title company.

**Ms. Edington:** presents **Assessor's Exhibit D - Preliminary Change of Ownership Form for Document 2002-065883; Assessor's Exhibit E - Preliminary Change of Ownership Form for Document 2002-065884; and, Assessor's Exhibit F - North American Title Company Letter of June 20, 2003.**

**Matter is fully discussed and thereafter, on motion of Mr. Weber, seconded Ms. Jarrett and unanimously carried, the Board establishes the date of value as August 13, 2002.**

**Mr. Babcock:** presents the Assessor's case and **Assessor's Exhibit G-Description and Comparable Sales.**

**Ms. Ponce:** disputes the values, by the Assessor, indicating she believes they were done prior to knowing a murder occurred here.

**Ms. Ponce:** presents her case and **Applicant's Exhibit 1 - Packet of Information(Letter from J. Johnson dated 9/23/2004, Joint Escrow Instructions, Letter dated 2/2/2002 from American Eagle Mortgage, North American Title Company Sale Order Form, Metroscan Property Profile for APN 061-021-035, Metroscan Property Profile for APN 061-062-015, Appraisal Spreadsheet dated 4/1/2003, Metroscan Property Profile for APN 061-062-010).**

**Ms. Trahey:** indicates the values Ms. Ponce is referring to as the Assessor's are different than what they presented today.

**Ms. Ponce:** continues with her presentation and presents **Applicant's Exhibit 2 - Photographs of the subject property.**

**Matter is fully discussed and thereafter, on motion of Mr. Weber, seconded by Ms. Jarrett and unanimously carried, on Application No. 2002-116, Pamela D. Ponce, Date of Value 8/13/2002, for APN #061,171,013, the full value of land is fixed at \$560,000, the full value of improvements is fixed at \$160,000, for a total fixed value of \$720,000.**

**Ms. Ponce:** requests and pays for Findings of Fact.

(5) **Application No. 2003-011, APN 065,133,017; Robert Hamilton, is presented.**

Mr. Robert Hamilton is present and sworn.

**Ms. Edington:** describes the property and indicates a stipulation to values has been reached and the only issue before the Board is whether or not a change in ownership occurred; presents **Assessor's Exhibit A - Deeds and Preliminary Change of Ownership Form; and Assessor's Exhibit B - Revenue and Taxation Code 61.**

**Matter is fully discussed and thereafter, on motion of Mr. Weber, seconded by Ms. Jarrett and unanimously carried, on Application No. 2003-11, Robert Hamilton, the Board determines that a change in ownership did occur.**

**Thereafter, on motion of Mr. Weber, seconded by Ms. Jarrett and unanimously carried, on Application No. 2003-11, Robert Hamilton, Date of Value 1/1/2003, for APN #065,133,017, the full indexed value of land is fixed at \$220,512, the full indexed value of the improvements is \$196,655, for a total indexed value of \$317,167.**

The Applicant waives Findings of Fact.

(6) **Application Nos. 2003-50, APN 091,361,012; Pierre K. Vawter, is presented.**

Mr. Pierre Vawter, Applicant, and Mr. Alex Paul, Mr. Vawter's son, are present and sworn.

**Ms. Trahey:** the issues before the Board include ownership and value for the property.

**Mr. Vawter:** presents the Applicant's case and **Applicant's Exhibit 1 - Grant Deed; Applicant's Exhibit 2 - Packet of information (including letters, Joint Declaration and a Quitclaim deed).**

**Ms. Marsha Shep:** present and sworn and testifies that her husband and Mr. Vawter had a "gentlemen's agreement" and that it was always her husband and her understanding that this was Mr. Vawter's property.

**Mr. Paul:** presents **Applicant's Exhibit 3 - Case Law *Arsenian v. Meketarian*.**

**Ms. Edington:** presents Assessor's case **Assessor's Exhibit A - Site Map; Assessor's Exhibit B - Taxes paid by Pierre Vawter; and, Assessor's Exhibit C - Evidence Code Section 662;** indicates the Shep's were on title for 34 years.

**Mr. Bordonaro:** states the Vawter's had a beneficial use of the property for all those years.

**Thereafter, on motion of Ms. Jarrett, seconded by Mr. Weber and unanimously carried, on Application No. 2003-50, Pierre K. Vawter, the Board determines a reassessable event occurred.**

**Ms. Trahey:** discusses blended values and fractional transfers that need to be calculated to determine the value on the property.

**Thereafter, on motion of Mr. Weber, seconded by Ms. Jarrett, and unanimously carried, on Application No. 2003-50, Pierre K. Vawter, the Board continues the hearing to January 28, 2005 for the Assessor to report back on the values for the 2003 Regular Roll.**

(7) **Application No. 2003-64, APN 083,331,029; Cori B. Johnson, is presented.**

**Mr. Jay Johnson:** father of Applicant is present and sworn.

**Mr. Johnson:** presents Applicant's case and **Applicant's Exhibit #1 - Letter from Professional Land Service** regarding the purchase price for this property.

**Mr. Powell:** presents Assessor's case and **Assessor's Exhibit A - Comparable Sales.**

**Mr. Byron Grant:** Appraiser is sworn and presents **Applicant's Exhibit 2 - Map; Applicant's Exhibit 3 - Appraisal; and, Applicant's Exhibit 4 - Photos of the Area.**

**Matter is fully discussed and thereafter, on motion of Mr. Weber, seconded by Ms. Jarrett and unanimously carried, on Application No. 2003-64, APN #083,331,029, Date of Value 1/1/01, the full value of the land is fixed at \$1,000 and the full indexed value of the Land, for the 2003-04 Regular Roll, is fixed at \$1,040.**

The Applicant waives Findings of Fact.

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- (8) **Application No. 2003-89, APN 010,521,048, Barry & Sandra Erlich, is presented.**

The Applicant is not present.

**Thereafter, on motion of Mr. Weber, seconded by Ms. Jarrett and unanimously carried, Application No. 2003-89, Barry & Sandra Erlich, is denied for non-appearance.**

- (9) **Request for approval of the minutes for the July 19, 2004 Assessment Appeals Board Hearing, are presented.**

**Thereafter, on motion of Mr. Weber, seconded by Mr. Baron, with Ms. Buttery being absent and Ms. Jarrett abstaining, motion carries and the minutes of the July 19, 2004 Appeals Board Hearing are approved as presented and the Chairperson is instructed to sign the same.**

- (10) **Request for determination of timely filing for Application No. 2003-122, APN 940,001,103; 940,001,104; 940,001,106; 940,001,108; 940,001,110, Charter Communications Properties, LLC, is presented.**

The Applicant is not present.

**Thereafter, on motion of Mr. Weber, seconded by Ms. Jarrett and unanimously carried, on Application No. 2003-122, Charter Communications Properties, LLC, the Board grants a continuance to December 3, 2004, and no further continuances will be granted.**

- (10) **This is the time set for Board members, Assessor and/or Staff to bring up items to be discussed at the next meeting.**

**Chairperson Baron:** calls for comments without response.

On motion duly made and unanimously carried, the Assessment Appeals Board of the County of San Luis Obispo, State of California, does now adjourn.

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Chairperson

**ATTEST:**

**JULIE L. RODEWALD,** County Clerk-Recorder  
and Ex-Officio Clerk of the Assessment Appeals Board

By:

Deputy Clerk-Recorder

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