

90 given to the property by the county board of equalization; or

91 (C) if Subsection (3) applies, the original assessed value; or

92 (ii) for an appeal involving qualified real property, the inflation adjusted value; and

93 (b) a sound evidentiary basis upon which the county board of equalization or the

94 commission could adopt a different valuation.

95 (3) (a) The party described in Subsection (3)(b) shall carry the burden of proof before a
96 county board of equalization or the commission, in an action appealing the value of property:

97 (i) that is not qualified real property; and

98 (ii) for which a county assessor, a county board of equalization, or the commission
99 asserts that the fair market value of the assessed property is greater than the original assessed
100 value for that calendar year.

101 (b) For purposes of Subsection (3)(a), the following have the burden of proof:

102 (i) for property assessed under Part 3, County Assessment:

103 (A) the county assessor, if the county assessor is a party to the appeal that asserts that
104 the fair market value of the assessed property is greater than the original assessed value for that
105 calendar year; or

106 (B) the county board of equalization, if the county board of equalization is a party to
107 the appeal that asserts that the fair market value of the assessed property is greater than the
108 original assessed value for that calendar year; or

109 (ii) for property assessed under Part 2, Assessment of Property, the commission, if the
110 commission is a party to the appeal that asserts that the fair market value of the assessed
111 property is greater than the original assessed value for that calendar year.

112 (c) For purposes of this Subsection (3) only, if a county assessor, county board of
113 equalization, or the commission asserts that the fair market value of the assessed property is
114 greater than the original assessed value for that calendar year:

115 (i) ~~H~~→ **except as provided in Subsection (5),** ←~~H~~ the original assessed value shall lose the
115a presumption of correctness;

116 (ii) a preponderance of the evidence shall suffice to sustain the burden for all parties;

117 and

118 (iii) the county board of equalization or the commission shall be free to consider all
119 evidence allowed by law in determining fair market value, including the original assessed
120 value.

121 (4) (a) The party described in Subsection (4)(b) shall carry the burden of proof before a
 122 county board of equalization or the commission in an action appealing the value of qualified
 123 real property if at least one party presents evidence of or otherwise asserts a value other than
 124 inflation adjusted value.

125 (b) For purposes of Subsection (4)(a):

126 (i) the county assessor or the county board of equalization that is a party to the appeal
 127 has the burden of proof if the county assessor or county board of equalization presents evidence
 128 of or otherwise asserts a value that is greater than the inflation adjusted value; or

129 (ii) the taxpayer that is a party to the appeal has the burden of proof if the taxpayer
 130 presents evidence of or otherwise asserts a value that is less than the inflation adjusted value.

131 (c) The burdens of proof described in Subsection (4)(b) apply before a county board of
 132 equalization or the commission even if the previous year's valuation is:

133 (i) pending an appeal requested in accordance with Section 59-2-1006 or judicial
 134 review requested in accordance with Section 59-1-602 or Title 63G, Chapter 4, Part 4, Judicial
 135 Review; or

136 (ii) overturned by the commission as a result of an appeal requested in accordance with
 137 Section 59-2-1006 or by a court of competent jurisdiction as a result of judicial review
 138 requested in accordance with Section 59-1-602 or Title 63G, Chapter 4, Part 4, Judicial
 139 Review.

140 (5) (a) This Subsection (5) applies only to an appeal to a county board of equalization
 141 involving the valuation of residential property that is not qualified real property.

142 (b) There is no presumption of correctness for evidence submitted in an appeal
 143 described in Subsection (5)(a), including the original assessed value of the residential property.

144 (c) Notwithstanding Subsection (5)(b), if a qualifying contract is submitted as evidence
 145 in an appeal described in Subsection (5)(a), the only evidence that the county board of
 146 equalization ~~H~~ or hearing officer ~~H~~ may consider, in determining the sales price in the
 146a qualifying contract does not
 147 provide an accurate or reliable indication of the value of the residential property, is evidence of
 148 the following, if submitted:

149 (i) evidence disputing the nature of the qualifying contract as an arms-length
 150 transaction;

151 (ii) evidence demonstrating that changes in market conditions have occurred in the