

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioners:</p> <p>KENNETH & MARY SMITH,</p> <p>v.</p> <p>Respondent:</p> <p>PARK COUNTY BOARD OF EQUALIZATION.</p>	<p>▲</p>
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Mr. & Mrs. Kenneth Smith Address: 11604 Manchester Avenue Kansas City, MO 64134-3957</p> <p>Phone Number: E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 37849</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on May 29, 2001, Karen E. Hart, Mark R. Linné, and Debra A. Baumbach presiding. Petitioner, Mr. Kenneth Smith, appeared pro se. Respondent was represented by Linda C. Michow Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**LOT 074 FLG 2 PIKE TRAILS RANCHES
(Park County Schedule No. R0013017)**

Petitioners are protesting the 2000 actual value of the subject property, a 1½ story wood frame structure with 1,089 square feet. The subject was built in 1994 and is situated on approximately 25.14 acres. The description of the subject property was taken from Respondent’s Exhibit No. 1 and based on the best information available.

ISSUES:

Petitioners:

Petitioners question the Respondent's value of the subject property.

Respondent:

Respondent contends that the subject property was correctly valued, based on the market approach. Access to the interior of the subject was denied, and the information regarding the subject was based on the best information available and an exterior inspection of the property.

FINDINGS OF FACT:

1. Petitioner, Mr. Kenneth Smith, presented the appeal on his own behalf.
2. The Petitioner chose not to testify.
3. Respondent's witness, Ms. Kristy Gould, Park County Chief Deputy Assessor, presented an indicated value of \$87,000.00 for the subject property based on the market approach.
4. Respondent's witness presented 3 comparable sales ranging in sales price from \$130,000.00 to \$150,000.00 and in size from 1,056 to 1,408 square feet. After adjustments were made, the sales ranged from \$107,758.00 to \$138,664.00.
5. Ms. Gould testified that she reviewed the warranty deed; the subject was purchased April 1, 1999 for \$100,000.00. The Assessor's Office applied a time adjustment back to June 30, 1998 for an indicated value of \$87,000.00.
6. The witness testified that she had faxed the Petitioner an offer of \$87,000.00 for a new indicated value for the subject property. Subsequently, an error was discovered on the time adjustment calculation, and the correct indicated value should have been \$91,000.00. The Assessor's Office notified the Petitioner that they will affirm the offer of \$87,000.00.
7. The Respondent testified she inspected the subject property several times. There was only an exterior inspection performed and a visual interior inspection was made through the windows. She was unable to obtain entry for an interior inspection. Information regarding the subject was based on the best information available.
8. The Respondent testified that the recommended valuation presented to the Petitioner is more than fair and is well below the purchase price of the subject. The valuation is based upon the sales comparison approach and the sales presented occurred within the appropriate time frame.

9. Respondent assigned an actual value of \$124,620.00 to the subject property for tax year 2000, and recommended that the value be reduced to \$87,000.00.

CONCLUSIONS:

1. The Board agrees with the recommended reduction by Respondent for tax year 2000.

2. The Board has carefully considered all admitted evidence and testimony and has affirmed the Respondent's value. The Respondent presented three sales comparables to support the value and the adjustment calculations were considered reasonable. Further consideration was given based upon the sales price of the subject. The Assessor's Office admitted to an error in calculating the time adjustment, yet offered to sustain the value of \$87,000.00.

3. The Petitioner presented no testimony for the Board's consideration. The Board can appreciate how perplexing the valuation process can be. It would be advantageous for the Assessor's Office to further elucidate the valuation process for the benefit of the taxpayers.

4. The Respondent's assigned value does take into consideration the factors affecting the subject property. The assigned value is supported and is affirmed based on the evidence provided to the board for consideration.

ORDER:

Respondent is ordered to reduce the 2000 actual value of the subject property to \$87,000.00.

The Park County Assessor is directed to change his records accordingly.

APPEAL:

Petitioner may petition the Court of Appeals for judicial review within 45 days from the date of this decision.

If Respondent alleges procedural errors or errors of law by this Board, Respondent may petition the Court of Appeals for judicial review within 30 days from the date of this decision.

DATED and MAILED this 21st day of June, 2001.

BOARD OF ASSESSMENT APPEALS

Karen E Hart
Karen E. Hart

Mark R. Linné
Mark R. Linné

Debra A. Baumbach
Debra A. Baumbach

This decision was put on the record

JUN 21 2001

I hereby certify that this is a true
and correct copy of the decision of
the Board of Assessment Appeals.

Diane Von Dollen
Diane Von Dollen

