

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>SNIVELY FAMILY TRUST,</p> <p>v.</p> <p>Respondent:</p> <p>CHAFFEE COUNTY BOARD OF EQUALIZATION.</p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Frank T. & M. Sue Snively Address: P.O. Box 1883 Buena Vista, CO 81211-1883 Phone Number: (719) 395-0605 E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 38290</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on January 24, 2002, Claudia D. Klein, Steffen A. Brown and J. Russell Shaw presiding. Petitioner, Frank T. Snively, appeared pro se. Respondent was represented by Jennifer A. Davis, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**NELY 60 FT OF LOT 6 BLK 2 MOUNTAIN MEADOWS ADD
(Chaffee County Schedule No. R327117121203)**

Petitioner is protesting the 2001 actual value of the subject property, a single-family frame residence located in Buena Vista.

ISSUES:

Petitioner:

Petitioner contends that the value set by the Respondent exceeds market value for the property.

Respondent:

Respondent contends that the property has been valued correctly based on comparable market data.

FINDINGS OF FACT:

1. Mr. Frank Snively, Petitioner, presented the appeal on behalf of the Snively Family Trust.

2. Based on the market approach, Petitioner presented an indicated value of \$140,000.00 for the subject property.

3. Petitioner presented three comparable sales ranging in sales price from \$100,201.00 to \$155,958.00 and in size from 1,610 to 1,842 square feet. After adjustments were made, the sales ranged from \$109,801.00 to \$148,022.00.

4. Mr. Snively presented Exhibit A in support of his valuation. He described the subject as being a frame, single-family residence built in 1976, with a second story added to part of the structure in 1981. According to Chaffee County records, the aggregate structure contains 1,688 square feet. There is a two-bay garage attached to the residence. The subject residence is located on a lot identified as being 0.28 acres.

5. The comparable sales provided in Exhibit A were characterized by Mr. Snively as being very similar to the subject in terms of location, lot size, building size, condition, and structural amenities such as gas heating. All were primarily frame exteriors though comparable Sale #1 was described as having some brick trim. Ages for the comparable sales were noted to be 43 years for Sale #1, 8 years for Sale #2, and 7 years for Sale #3.

6. Petitioner calculated adjustments for the comparable sales to account for differences in building square footage, as well as size of or existence of a garage. He testified that his unit of measurement for residential construction costs was \$100.00 per square foot, while he utilized \$50.00 per square foot of construction cost for the garages. He made no adjustments for age, condition, fireplaces, lot size or location. Net adjustments for each of the comparables were a plus \$16,600.00 for Sale #1, \$14,200.00 for Sale #2, and plus \$9,600.00 for Sale #3.

7. Mr. Snively calculated a median of \$141,758.00 from the adjusted sales, as well as a mean of \$133,195.00.

8. Under cross-examination it was learned that all of the comparable sales were of single-story ranch design. Mr. Snively also testified that he was unaware if any of the comparables he selected were of modular construction. He testified that he had not made any time adjustments to the sales, though it was discovered during this exchange between the Petitioner and Respondent that the sales data he had gathered from the Respondent and with which he developed his valuation had been the time adjusted sales prices.

9. Responding to questions from the Board, Petitioner testified that he had not included photos of the subject nor the comparables in his valuation report. Neither had he provided a map noting the relative locations of the comparables to the subject.

10. Petitioner is requesting a 2001 actual value of \$140,000.00 for the subject property.

11. Respondent's witness, Ms. Mari Moore, Colorado Licensed Appraiser with the Chaffee County Assessor's Office, presented an indicated value of \$159,984.00 for the subject property based on the market approach.

12. Respondent's witness presented three comparable sales ranging in sales price from \$130,500.00 to \$202,800.00 and in size from 1,610 to 1,827 square feet. After adjustments were made, the sales ranged from \$159,299.00 to \$169,691.00.

13. The witness presented Respondent's Exhibit #1 in support of her valuation.

14. Ms. Moore described the property in much the same way as did the Petitioner, and included photos on page 5 of her report from three views. Page 6 of her report also included a sketch detailing the dimensions of the structure and the specific area for the one- and two-story sections, as well as the garage. The calculations for the gross living area totaled 1,708 square feet, as compared with the Petitioner's 1,688 square feet. The Respondent calculated the value based on 1,688 square feet. Garage areas were the same in both reports. The sketch also showed two wood decks totaling 248 square feet attached to the structure. Page 7 showed the location of each of the Respondent's comparables relative to the subject.

15. Comparable #1 was described as being a 1,827 square foot, two-story residence with a detached two-bay garage. It is situated on a larger slightly larger lot than the subject. Its age was established to be approximately 50 years although through upgrades the effective age was set at 3 years. The residence included a fireplace and a porch. Its condition was characterized as good. The sale was time adjusted. Net adjustments were calculated to be a negative \$33,109.00.

16. Comparable #2 was a single-story ranch design of 1,723 square feet and located on 0.20 acres. Its age was the same as the subject and it had a single bay attached garage. It did not have porch or fireplace and was characterized as being in fair condition at the time of sale. Net adjustments calculated from the market this sale added \$28,799.00 to the price.

17. Comparable #3, also Petitioner's Comparable #1, was described as being a ranch-style structure with a single-bay attached garage. It contained 1,610 square feet and was situated on a slightly smaller lot than the subject. Ms. Moore testified that this comparable was closest in proximity to the subject. Though its age was listed at 43 years, updates had made its effective age approximately 9 years and its condition average. It had a fireplace and a concrete porch. Net adjustments extracted from market data increased this sale by \$44,123.00.

18. Photos of the comparables were found on page 8 of the report.

19. With respect to the comparables supplied by the Petitioner, Respondent refuted the applicability of Sales #2 and #3. Ms. Moore testified that county records indicated both were manufactured homes. She further noted that her research indicated manufactured housing costs are 25 percent below traditionally constructed homes.

20. Cross-examination by the Petitioner consisted primarily of asking Respondent's witness questions about the appraisal process. In her responses, Ms. Moore described how adjustments are extracted from market data while, at the same time, noting why the Petitioner's cost-based analysis is not a reliable indicator of value for these proceedings.

21. In questioning from the Board, Ms. Moore testified that no adjustment had been made to Respondent's #3 in recognition of the brick trim visible in the photo.

22. Respondent assigned an actual value of \$159,984.00 to the subject property for tax year 2001.

CONCLUSIONS:

1. Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2001.

2. The Respondent prepared a well-developed valuation analysis based on reliable market indicators. The comparable sales were properly adjusted to account for differences to the subject.

3. Although Petitioner's valuation based on a replacement cost analysis was logical, no factual evidence was provided in support of that position. More importantly, however, is the fact that only the sales comparison approach to value may be used to establish a value indicator for residential properties in Colorado.

ORDER:

The petition is denied.

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 27th day of February, 2002.

BOARD OF ASSESSMENT APPEALS

Claudia D. Klein
Claudia D. Klein

Steffen A. Brown
Steffen A. Brown

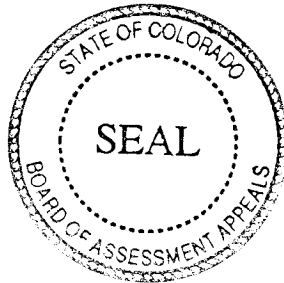
J. Russell Shaw
J. Russell Shaw

This decision was put on the record

FEB 26 2002

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



38290.02