

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>KIMBERLY A. TAFT,</p> <p>v.</p> <p>Respondent:</p> <p>TELLER COUNTY BOARD OF EQUALIZATION.</p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Kimberly A. Taft Address: 5217 Painted Rocks Road Woodland Park, CO 80863 Phone Number: (719) 687-2426 E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 39341</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on January 10, 2002, Karen E. Hart and Judee Nuechter presiding. Petitioner appeared pro se. Respondent was represented by Stephen A. Hess, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**16-11-69 PT NW4SE4
(Teller County Schedule No. M0028209)**

Petitioner is protesting the 2001 actual value of the subject dwelling only, a single family residential property located at 5217 Painted Rocks Road, Teller County, Colorado. The dwelling is a 1978 Hillcrest single-wide mobile dwelling, with a 1969 Champion double-wide manufactured dwelling split down the middle and each half installed on each side of the single-wide mobile home, with a combined gross living area of 1,906 square feet. There is a well and septic system on site.

ISSUES:

Petitioner:

Petitioner contends the property appears to be excessive in its valuation based on its age and condition. Ms. Taft also contends the utilities such as the well, septic, and electric service should be valued with the land and not with the improvements.

Respondent:

Respondent contends that the property has been properly valued using the market approach to value and using sales of similar properties, which occurred during the appropriate time period.

FINDINGS OF FACT:

1. Ms. Taft, Petitioner, presented the appeal on her own behalf.
2. The subject property consists of two manufactured dwellings that have been permanently attached to each other. They are a 1969 Champion double-wide manufactured home and a 1978 single-wide manufactured home. The deck is a result of placing the two units together with roping instead of railing and would not be considered an improvement by the Petitioner.
3. Ms. Taft testified that she paid \$16,000.00 for the 1978 mobile home and \$8,000.00 for the 1969 mobile home.
4. The Petitioner testified that she believes she is being double taxed because the well, septic, and electric service are valued with her improvements and should be valued with the land.
5. Petitioner presented no comparable sales.
6. Petitioner testified that mobile homes similar to the subject property could not be moved within the state of Colorado due to their ages.
7. Petitioner's Exhibit A indicated her insurance company would only cover the property for \$27,000.00, of which \$15,000.00 is for personal property.
8. Petitioner testified that she had asked mobile home brokers for an estimate of value for the subject improvements based on N.A.D.A value. Ms. Taft was told that there was no resale value for mobile homes similar to the subject property.
9. The Petitioner testified that she believes the buyers of mobile homes similar to hers purchase these properties for the land and not for the existing dwelling.

10. The Board requested Ms. Taft to describe the deck attached to the dwelling, which she presented as consisting of wood flooring with rope railing. The deck is approximately four feet from the ground. The Petitioner did indicate that she keeps a table on the deck, although she would not consider the deck very useable.

11. Petitioner testified that she has the titles to both of the manufactured dwellings that are attached and located on her property, and that the tongues are intact on two of the three units. The axles and the wheels are intact on all three units, which consists of the single-wide manufactured home and the sectioned double-wide manufactured home. The titles for both mobile homes have not been purged.

12. The Petitioner feels that the valuation assigned to her mobile homes is excessive.

13. Petitioner is requesting a 2001 actual value of \$20,000.00 for the subject property.

14. Respondent's witness, Ms. Sylvia L. Goff, a Certified General Appraiser with the Teller County Assessor's Office, presented an indicated value of \$52,000.00 for the subject property based on the market approach, with consideration of a computation error within the appraisal report she prepared.

15. Respondent's witness presented three comparable sales ranging in sales price from \$52,500.00 to \$104,000.00 and in size from 1,152 to 1,680 square feet. After adjustments were made, the sales ranged from \$54,328.00 to \$64,979.00 as indicated in the appraisal report.

16. Comparable Sale 1 had a covered porch, a wood deck, and a wood shed, while the Petitioner's property only had a wood deck. The adjustment for this amenity was plus \$6547.00 and should have been minus \$6547.00. The witness testified that the corrected adjusted sale price would be \$51,885.00 for Sale 1.

17. Respondent's witness testified that the dramatic increase in mobile home values this year is a result of limited sales of mobile homes in the past years within Teller County. During this assessment period, there were 120 sales of mobile homes in the county. The replacement cost less depreciation had been used in previous years to determine the value for mobile homes; whereas, the market approach was used for the current valuation due to the large number of sales.

18. The witness testified that she looked for sales of mobile homes built around 1970, and that the sales selected in her appraisal report were of similar age and similar condition as the subject property based on exterior inspections.

19. The subject's location was considered superior by the Respondent's witness and described as remote and surrounded by the Pike National Forest.

20. The land values were extracted out of the sale price for all the comparable sales in the appraisal report, since only the subject improvements are being considered and not land values for this hearing.

21. The site improvements such as the electric service, the well and the septic system are included with the improvements for purposes of valuation by the Respondent. The county does not value those improvements with the land. The witness testified that the adjustments used for those utilities were \$5,200.00 for wells, \$4,500.00 for septic systems, and \$1,500.00 for electric service.

22. Petitioner asked the Respondent a hypothetical question: if she sold her property for \$200,000.00, would the assessor's office value the improvements at \$157,000.00 based on their assessed land value of \$43,000.00? The witness responded that if it was an arm's-length transaction, they would value it at the sale price.

23. The Petitioner asked Respondent what a residential designation indicates. The witness explained it was residential use as opposed to commercial use or vacant land. Petitioner also asked what the effective age indicated, when she had dwellings manufactured in 1969 and 1978. The witness testified that the two dwellings had a combined effective age of 1974.

24. The Board asked if the Respondent considered the 1969 mobile home as Building Number 1, and the 1978 mobile home as Building Number 2. The witness testified that in their office, the subject property is considered as two dwellings on one tax bill, but for the appraisal it is valued as one dwelling. \$43,354.00 has been assigned to the subject land by the assessor.

25. The Board questioned the witness on how the quality adjustment for comparables was determined. It was based on models developed by the assessor; the adjustment was \$5.08 per square foot for fair versus low condition, and \$10.16 for average versus low condition. The witness testified that no time adjustments were warranted, based on a study of comparable sales.

26. Respondent assigned an actual value of \$52,000.00 to the subject property for tax year 2001.

27. Under cross-examination, Ms. Goff testified that purged titles on the comparables do not make a valuation difference. The valuation is the same for purged or non-purged titles. The benefit of a purged title is that the owner or buyer can get financing on the mobile home.

CONCLUSIONS:

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

2. No weight was given the Petitioner's Exhibit A, as insurability is not considered a method of valuation.

3. The Board was convinced that attaching the value of utilities to the subject property was improper. The subject property can be characterized as the improvements and not including the land. If the subject property were removed, the utility services would remain and be available for a new dwelling or for a new owner. Utilities services such as electrical, well, and septic systems should be considered site improvements and, as such, should be included in the land value. The value of those services has been indicated as \$11,200.00.

4. The Respondent present three mobile home sales with similar conditions and age as the subject property. All of the comparable sales were on land owned by the mobile home owner, which is similar to the subject property. The comparable sales also had purged titles and were situated on permanent foundations. The subject property did not have a purged title nor was it on a permanent foundation.

5. The Board was persuaded that further consideration should be given for the factors affecting the subject property. The Board agrees with Petitioner that there is a basis for differences in value for mobile homes with purged titles and situated on permanent foundations as compared to those mobile homes without the titles purged and not on permanent foundations. Mobile homes situated on permanent foundations can obtain favorable financing in the marketplace. Potential buyers in the area are going to be influenced by these financing factors impacting the overall market trends in the area.

6. The Board recalculated the Respondent's comparable grid by removing Respondent's utility services value of \$11,200.00, and also gave an additional negative 10% adjustment for non-purged titles and a lack of a permanent foundation, both of which the Board believes would be an influence on the subject property's market value. The resultant range of values indicated that a reduction in the subject property value was warranted.

7. After careful consideration of all the presented evidence and testimony, the Board concluded that the 2001 actual value of the subject property should be reduced to \$31,000.00.

ORDER:

Respondent is ordered to reduce the 2001 actual value of the subject to \$31,000.00.

The Teller 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 20th day of February, 2002.

BOARD OF ASSESSMENT APPEALS

Karen E Hart
Karen E. Hart

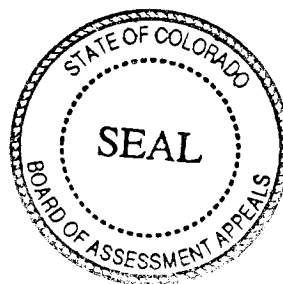
Judée Nuechter
Judée Nuechter

This decision was put on the record

FEB 20 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



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