

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>RICHARD F. SAMPSON,</p> <p>v.</p> <p>Respondent:</p> <p>TELLER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 39359</p>
<p>ORDER</p>	

THIS MATTER, on remand to the Board of Assessment Appeals after entry of the Supreme Court's decision in Case No. 03SC451, was heard by the Board of Assessment Appeals on July 25, 2005, Debra A. Baumbach and Karen E. Hart presiding. Petitioner did not appear at the hearing. Respondent was represented by Stephen A. Hess, Esq. Petitioner is protesting the 2001 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**21-11-69 NE4 SW4S24
Teller County Schedule No. R0019297**

The subject property consists of a 1,104 square foot manufactured home built in 1971, situated on a 10-acre site in unincorporated Teller County.

FINDINGS OF FACT:

1. Petitioner requested a 2001 actual value of \$93,951.00 for the subject property.
2. Respondent assigned an actual value of \$137,918.00 to the subject property for tax year 2001.

3. Respondent's witness, Mr. Alan L. Jordan, Teller County Assessor, presented six comparable sales ranging in sales price from \$104,900.00 to \$127,000.00 and in size from 1,344 to 1,680 square feet. After adjustments were made, the sales ranged from \$133,240.00 to \$160,482.00.

4. Mr. Jordan did not present a site-specific value. The subject property was valued according to mass appraisal techniques, which included adjustments based on a mass appraisal statistical model and costs. Based on the six sales presented, Mr. Jordan concluded that the subject property's 2001 assigned value of \$137,918.00 was reasonable. The Board disagrees. Adjustments made to the comparable sales should be based on market extraction. Furthermore, with the exception of Sale 1, the Board does not consider Respondent's sales to be comparable to the subject. Sale 4 is a mining claim. Sale 3 is situated on less than an acre of land a much smaller site size than the subject property. The remaining sales required such a high degree of adjustments that they were rendered unsuitable for comparison.

5. The largest adjustment made by Mr. Jordan was for land area and that adjustment was almost 50% of the sales price in some of the sales. Mr. Jordan deducted the land value from the comparables by using values derived from vacant land sales that occurred during the January 1, 1999 through June 30, 2000 base period. Mr. Jordan testified that he considered the following attributes when valuing vacant land in Teller County: acreage, neighborhood, view, topography, vegetation, access and utility, considering the useable area. No vacant land sales were submitted to the Board for review. Additionally, Respondent did not make any adjustments to the sales for differences in topography, access issues or site utility. The methodology of using vacant land sales to determine a land adjustment on an improved residential property is not appropriate appraisal practice. The Board can only consider adjustments based on sales of improved residential properties.

6. Based on all of the evidence and testimony presented, the Board determined that Respondent's Sale 1 provides the best indicator of value. As Sale 1 has a superior location but is smaller in size, the Board reduced the land area adjustment to \$1,000.00 per acre. The Board also removed the adjustment for age, as an adjustment is not warranted for the mobile home age difference of one year.

CONCLUSIONS OF LAW:

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

2. The Board concluded that the 2001 actual value of the subject property should be reduced to \$115,684.00.

ORDER:

Respondent is ordered to reduce the 2001 actual value of the subject property to \$115,684.00.

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 September 2005.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach

Debra A. Baumbach

Karen E. Hart

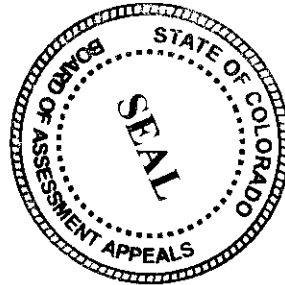
Karen E. Hart

This decision was put on the record

SEP 20 2005

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

Penny S. Lowenthal
Penny S. Lowenthal



<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>RICHARD F. SAMPSON,</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: Richard F. Sampson Address: 2084 County road 782 Woodland Park, CO 80863 Phone Number: (719) 687-2034 E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 39359</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on January 7, 2002, Karen E. Hart and Debra A. Baumbach presiding. Petitioner appeared pro se via telephone conference call. Respondent was represented by Stephen A. Hess, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**21-11-69 NE4SW4SW4
(Teller County Schedule No. R0019297)**

Petitioner is protesting the 2001 actual value of the subject property. The subject is a Schultz double-wide manufactured home built in 1971. The subject consists of approximately 1,104 square feet with 3 bedrooms and 1 1/2 bathrooms. The subject is constructed of a frame exterior, and the foundation is comprised of post and tier. There is a detached garage, and the subject is situated on a 10-acre parcel.

ISSUES:

Petitioner:

Petitioner contends that the subject property has been overvalued. The subject does not have a permanent foundation and is located on a privately maintained road. The comparable sales used by the Respondent are newer and approximately 25 miles away.

Respondent:

Respondent contends that the subject property has been correctly valued using the market comparison approach. The comparable sales used are similar in size, location, age, and quality. All of the sales are considered to be from the same market area. Adjustments were made for any differences, and the value is well supported.

FINDINGS OF FACT:

1. Mr. Richard F. Sampson, Petitioner, presented the appeal on his own behalf via telephone conference call.
2. The Petitioner did not present any comparable sales to indicate a value based on the market approach.
3. Mr. Sampson testified he received notification on May 30, 2001, that the assessed value of his home was raised. The additional tax amount was nominal, therefore, he did not appeal. On September 19, 2001, he received another notification that a revaluation was done and the assigned value went from \$93,951.00 to \$137,918.00.
4. The Petitioner testified that his home is on cinder blocks and not on a permanent foundation. A copy of the title for the mobile home is enclosed in Petitioner's Exhibit A. In 1990 a new composition gable roof was constructed over the existing one due to leaks and sags. A new deck, two porches, and plywood siding were added. There were no other improvements or updating made to the property. There is a detached garage that did not appear on the September property profile.
5. Upon questions from the Board, Mr. Sampson testified the subject is located two miles past the end of the County Road. The owners in the area are responsible for maintaining the road. The comparable sales used by the Respondent are all at least 25 miles away and are located on county maintained roads. Two of the sales are much newer, and all three of the sales are on permanent foundations indicating a difference in the value. The land value used by the Respondent is high and should be valued at \$5,000.00 per acre due to the access and private road.

6. Mr. Sampson testified there is not enough market support to warrant the increase in value. The sales used by the Respondent are not comparable to his property. The value should be reduced to the original assigned value prior to the CBOE order for revaluation of all mobile homes.

7. Petitioner is requesting a 2001 actual value of \$93,951.00 for the subject property.

8. Respondent's witness, Ms. Sylvia L. Goff, Certified General Appraiser with the Teller County Assessor's Office, presented an indicated value of \$137,918.00 for the subject property based on the market approach.

9. Respondent's witness presented three comparable sales ranging in sales price from \$105,000.00 to \$127,000.00 and in size from 1,344 to 1,680 square feet. After adjustments were made, the sales ranged from \$133,616.00.00 to \$153,026.00.

10. The Respondent testified an appraisal was performed on the subject property. There were no comparable sales within close proximity to the subject and the market area was expanded. The subject's land size is larger than average in the area. The comparable sales selected are the most similar in size, style, quality, and market appeal. The adjustment calculations were based on multiple regression analysis.

11. The Respondent testified no adjustments were made for the differences in the mobile homes that were not on permanent foundations versus the ones that were. There were no adjustments made for the subject's location on a private road. The subject is considered to be located in a desirable area and offsets the access issue.

12. Ms. Goff testified that land was valued separately and adjusted at \$6,356.00 per acre. Other adjustments included; age, condition, gross living area, garage space, porches and decks. The final value conclusion was estimated at the median range, and the garage was not included in the valuation.

13. Upon questions from the Board, Ms. Goff testified the CBOE ordered a revaluation of the mobile homes in the area, based on 120 sales that occurred during the base period. Of the 120 sales, 40 were single-wide models. The majority of the sales that occurred were constructed in 1990 through the present, and 90% of those have permanent foundations.

14. Respondent assigned an actual value of \$137,918.00 to the subject property for tax year 2001.

CONCLUSIONS:

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

2. The Board was persuaded by the Petitioner's argument that further consideration should be given for the factors affecting the subject property. The Petitioner did not present any comparable sales for the Board's consideration. There was no evidence presented to indicate if the location on a privately maintained road would negatively impact the value. However, the Board agrees there is a basis for differences in value for mobile homes situated on permanent foundations. Mobile and modular homes situated on permanent foundations can obtain favorable financing in the market place. Potential buyers in the area are going to be influenced by these financing factors impacting the overall market trends in the area.

3. The Board was not convinced that the comparable sales presented by the Respondent accurately compare to the subject property. Based on testimony presented, the sales that were selected and the adjustments derived were based on regression analysis of 120 sales within the base period. More than 80% of those sales are much newer homes and located on permanent foundations. Further testimony indicated the market area needed to be expanded due to the limited sales. These sales and adjustment figures are not indicative of sales similar to the subject.

4. The Board can understand the difficulty of establishing market value when there are limited sales for comparison. However, the Board is not persuaded that the subject property shares the same appreciation factors in the market area. The Respondent did not present any documented support further affirming their opinion that older, non-purged mobile homes have appreciated to this level.

5. The Board does not agree with the comparable sales or the adjustment calculations presented by the Respondent, and the Petitioner presented no sales for consideration. The Board was not presented with enough data to derive any type of adjustment calculations. The Board felt that any adjustments made to the Respondent's sales for all the factors affecting the value would be inaccurate. Therefore, the Board used the value set forth in the "Notice of Determination," prior to the order for revaluation of all mobile homes in Teller County.

6. The Board is concerned that the assessor's office has not addressed all factors affecting the valuations for mobile homes of this type in the area. It is the responsibility and duty of the assessor's office that all factors affecting the value be addressed in the valuation process. There was clearly contradiction in the testimony and evidence presented. The Board can understand that a surge of sales in the area would indicate an appreciating market that might indicate a revaluation. However, all of the factors influencing these trends need to be evaluated and determined as to what, if any, affect they had on the other properties in the area.

7. The Board concluded that the 2001 actual value of the subject property should be reduced to \$93,951.00, with \$63,553.00 allocated to land and \$30,398.00 allocated to improvements.

ORDER:

Respondent is ordered to reduce the 2001 actual value of the subject property to \$93,951.00, with \$63,553.00 allocated to land and \$30,398.00 allocated to improvements.

The Teller County Assessor is directed to change his/her 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

Debra A. Baumbach
Debra A. Baumbach

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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