

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioners:</p> <p>RICHARD LEONARD AND CYNTHIA ROSE KONIGSBERG,</p> <p>v.</p> <p>Respondent:</p> <p>PARK COUNTY BOARD OF EQUALIZATION.</p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Richard Leonard Konigsberg Address: 6169 Stormy Mountain Court Parker, Colorado 80134 Phone Number: (303) 841-4919 E-mail: Rkonigsberg@comcast.net</p>	<p>Docket Number: 42032</p>
<p style="text-align: center;">ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on June 24, 2004, MaryKay Kelley and Karen E. Hart presiding. Petitioners appeared pro se. Respondent was represented by Stephen A. Groome, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**307 Cannon Court, Fairplay, Colorado
(Park County Schedule No. R0039905)**

Petitioners are protesting the 2003 actual value of the subject property, a 40.71-acre tract of vacant land located in the El Rancho Estates subdivision near Fairplay, Colorado.

ISSUES:

Petitioners:

Petitioners contend that the subject property is overvalued due to a lack of consideration of several factors affecting the value of the subject property, including non-county maintained road access to the subject.

Respondent:

Respondent contends that the subject property has been properly valued using the market approach to value.

FINDINGS OF FACT:

1. Petitioner, Mr. Richard Leonard Konigsberg, presented the appeal on behalf of Petitioners.

2. Mr. Konigsberg did not present any comparable sales, choosing to critique Respondent's sales as presented at the Park County Board of Equalization hearing, as well as Respondent's additional sales presented at this hearing.

3. Mr. Konigsberg testified that Respondent's sales, as shown in Petitioners' Exhibit B, were not properly adjusted for differences when compared to his property, such as ground cover, driveway presence, live water, view, and abutment to National Forest land. He also pointed out that El Rancho Estates has restrictive covenants and is responsible for its own roads, which are negative factors as compared to some of the comparable sales presented by Respondent. However, when asked by the Board, Mr. Konigsberg had no suggestions as to what the proper adjustment amounts should be.

4. Mr. Konigsberg testified that parcel 31847 adjoins his property on the north, is very similar to the subject property with no functional differences, and was purchased within two days of his property purchase from the same person. Parcel 31847 has county maintained access, which is superior to his property, yet the assessor has valued it substantially less than his property.

5. Petitioners are requesting a 2003 actual value of \$96,094.00 for the subject property, based on the valuation of parcel 31847.

6. Respondent's witness, Ms. Karen James, a Certified Residential Appraiser with the Park County Assessor's Office, presented an indicated value of \$190,828.00 for the subject property based on the market approach.

7. Respondent's witness presented seven comparable sales ranging in sales price from \$111,000.00 to \$240,000.00 and in size from 35 acres to 39.65 acres. After adjustments were made, the sales ranged from \$189,020.00 to \$244,480.00.

8. Ms. James testified that Comparable 1 is located in the same development and is very similar to the subject property. Comparables 2 and 3 are located further south than the subject, but are located in a similarly platted subdivision. Comparable 5 is in a subdivision that sells for high prices; she does not know why it has higher sales prices, other than the subdivision is located near Fairplay. Comparable 6 is the least comparable of the sales, as it has no tree cover.

9. Ms. James testified that her adjustments were determined using multiple regression analysis, based on approximately 300 vacant land sales that occurred in the subject property's market area during the base period of January 1, 2001 through June 30, 2002. There was no measurable market difference for the presence of live water, driveways, or abutment to National Forest land.

10. Respondent assigned an actual value of \$190,828.00 to the subject property for tax year 2003.

CONCLUSIONS:

1. Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2003. Respondent's witness presented a well-documented appraisal report that supported the assigned value.

2. Petitioners presented an argument that their property was inferior to the neighboring property, parcel 31847, and therefore should not be valued any higher than that parcel. This Board can only consider equalization issues when used as support for the subject's value as established by the applicable approaches to value; in this case, the market approach.

3. Petitioners did not present any comparable sales, other than those used by Respondent in a previous hearing. Mr. Konigsberg also had no suggestions as to what alternate adjustment amounts should be made to those comparables, though he disagreed with Respondent's adjustments, nor did he present a suggested value using any approach to value, only the assessed value of the neighboring parcel.

4. The Board reviewed Respondent's comparable sales and notes that the concluded value is located near the lower end of the adjusted sales range. In fact, only one adjusted sales price of the seven sales presented was lower than the subject property.

5. After consideration of all of the testimony and evidence presented, the Board affirms Respondent's assigned value of \$190,828.00.

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 1st day of July 2004.

BOARD OF ASSESSMENT APPEALS

MaryKay Kelley

MaryKay Kelley

Karen E Hart

Karen E. Hart

This decision was put on the record

JUN 30 2004

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

