

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioners:</p> <p>ROBERT A. & ANGELA MORELAND,</p> <p>v.</p> <p>Respondent:</p> <p>HINSDALE COUNTY BOARD OF EQUALIZATION.</p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Angela Moreland Address: 10669 Tongue Creek Road Austin, Colorado 81410 Phone Number: (970) 835-5085</p>	<p>Docket Number: 42852</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on April 2, 2004, Judee Nuechter and Diane M. DeVries presiding. Petitioners were represented by Angela Moreland. Respondent was represented by Charles F. Cliggett, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**Lots 14-15-16 & portion of Old Riverbed, Ref: B-117, P-719, Block Wades Addition.
199 East Vine Street, Lake City, Colorado
(Hinsdale County Schedule No. R001351)**

Petitioners are protesting the 2003 actual value of the subject property, a single-family frame residence with 1,330 square feet of living area, in fair/average condition built in 1986 on a 9,375

square foot lot in Wades Addition. The subject property consists of two bedrooms with a loft and two bathrooms.

ISSUES:

Petitioner:

Petitioners contend that the subject property is overvalued. The Petitioners used the same comparable sales as submitted by the Hinsdale County Assessor.

Respondent:

Respondent contends that the evidence and testimony presented will uphold the Hinsdale County Board of Equalization's assigned value of \$153,970.00.

FINDINGS OF FACT:

1. As set forth in the hearing of Docket Number 42851, the qualifications of Respondent's witness, Amy B. Wilcox, are hereby incorporated into Docket Number 42852. The parties agreed to stipulate to the admission of Petitioners' Exhibit A and Respondent's Exhibit 1.

2. Referring to page 16 of Respondent's Exhibit 1, Ms. Moreland testified that Comparable Sale 1 is a log house with a fireplace and a garage; the subject property has neither. Comparable Sale 2 has a masonite exterior, more square footage than the subject property, and was built in 1998. Comparable Sale 3 also has a masonite exterior and was built in 1999.

3. Ms. Moreland testified that equalization values, as shown on the last three pages of Petitioners' Exhibit A, never increase yet every other year the value of the subject property increases.

4. Petitioners requested a value of \$145,660.00 for the subject property for tax year 2003.

5. Ms. Amy B. Wilcox, Hinsdale County Assessor and Registered Appraiser, testified that all of the comparable sales shown in Respondent's Exhibit 1 are located in the Town of Lake City. Wades Addition was never officially annexed to the Town of Lake City. There were no sales in Wades Addition during the base period.

6. Ms. Wilcox presented four comparable sales, Respondent's Exhibit 1, page 16, ranging in sales price from \$139,000.00 to \$154,700.00 and in adjusted sales price from \$152,251.00 to \$158,016.00.

7. Ms. Wilcox testified that the land value in Wades Addition did not change from tax year 2001 to tax year 2003. She indicated that all of the river lots are valued the same. The subject property is not considered a river lot.

8. Upon questions from the Board, Ms. Wilcox testified that Wades Addition is a nice subdivision; it has a lot of trees and is well established. The comparable sales contained in Respondent's Exhibit 1 are located in areas that are flat and have no trees.

9. Ms. Wilcox testified that the adjustments are computer generated based on information received from sellers, Realtors and TD 1000's.

10. Respondent assigned an actual value of \$153,970.00 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.

2. The Petitioners are concerned that the value of the subject property increases every two years and they believe that they are treated differently than other taxpayers in Hinsdale County. Pursuant to C.R.S. 39-1-104 (10.2) (a), "... beginning with the property tax year which commences January 1, 1989, a reassessment cycle shall be instituted with each cycle consisting of two full calendar years."

3. The Respondent is required by Colorado Constitution and Colorado Revised Statutes to value all residential property using the market approach to value. The Respondent used sales that sold within the 18-month data-gathering period and made appropriate adjustments to the sales. Petitioners did not present any comparable sales.

4. The Board believes that the Respondent presented a well-documented appraisal based on the market in Hinsdale County. The sales as adjusted by the market in Hinsdale County support the actual value placed on the subject property for tax year 2003.

5. After careful consideration of all of the evidence and testimony presented, the Board affirms Respondent's assigned value of \$153,970.00 for tax year 2003.

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 20th day of April, 2004.

BOARD OF ASSESSMENT APPEALS

Judee Nuechter

Judee Nuechter

Diane M. DeVries

Diane M. DeVries

This decision was put on the record

APR 19 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

