

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>ROGER R. TROUT,</p> <p>v.</p> <p>Respondent:</p> <p>OTERO COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket Number: 43812</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on September 14, 2005, Steffen Brown and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by Barry Shiohito, Otero County Administrator. Petitioner is protesting the actual value of the subject property for tax year 2004.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**31410 Road JJ.5, Cheraw, Colorado
(Otero County Schedule No. 800794)**

The subject property is a 1979 mobile home located on private property. The value of the site is not part of this appeal.

FINDINGS OF FACT:

1. Petitioner is requesting that the actual value of the subject property be reduced to \$3,000.00 for tax year 2004.

2. Petitioner did not present any comparable sales. He asserts that Respondent's indicated value is incorrect for the following reasons:

(a) Respondent's comparable sales are superior quality construction. Homes

purchased for scrap or salvage value would have been more similar to the subject.

- (b) Respondent did not adequately address deferred maintenance, which includes defective electrical and plumbing systems, roof leaks, rotting floors, broken windows, missing insulation and interior doors, damaged cabinet drawers, and bowed metal siding.
- (c) Respondent did not adjust the comparable sales for items such as carports, decks, air conditioners, personal property, location, wood siding, and so on.

3. Mobile home dealers in metropolitan Denver estimated that the value of the subject property would range between \$2,000.00 and \$4,000.00. Petitioner's Exhibit 1 includes newspaper advertisements for six mobile homes listed for sale. All of the mobile homes listed for sale are located outside Otero County. The asking price of three of the mobile homes is \$3,000.00 or less, and two are listed for free.

4. Respondent presented four comparable sales ranging in price from \$6,000.00 to \$8,500.00. Physical condition was determined "fair" for the subject property and "average" for all comparable sales. No adjustments were made to Respondent's comparable sales, as the subject property was valued using mass appraisal techniques. The mass appraisal process does not address or make adjustments for location, personal property, outbuildings, and other miscellaneous items. Respondent concluded to an indicated value of \$6,234.00.

5. Residential property located in Colorado must be valued using the market comparison approach. Petitioner did not present any comparable sales, and Respondent did not present a site-specific appraisal based on the market approach.

6. Respondent's Sales 2 and 4 sold outside the January 1, 2001 through June 30, 2002 base period. In arriving at its conclusion of value, the Board placed greater reliance on Respondent's Sale 3, which sold for \$7,000.00 and is visually more similar to the subject with fewer visible extras than Respondent's Sale 1. The Board then applied adjustments to Sale 3 for characteristics that were not adequately addressed in Respondent's mass appraisal, such as construction quality, physical condition, carports, decks, and other extras likely affecting value.

CONCLUSIONS OF LAW:

1. Sufficient probative evidence and testimony were presented to prove that the subject property was incorrectly valued for tax year 2004.

2. The Board concluded that the actual value of the subject property should be reduced to \$5,000.00 for tax year 2004.

ORDER:

Respondent is ordered to reduce the 2004 actual value of the subject property to \$5,000.00.

The Otero County Assessor is directed to change his/her records accordingly.

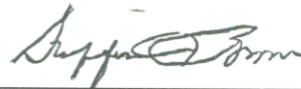
APPEAL:

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 29th day of September 2005.

BOARD OF ASSESSMENT APPEALS



Steffen A. Brown

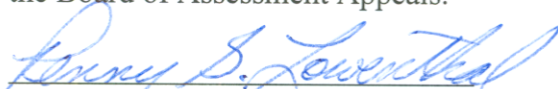


MaryKay Kelley

This decision was put on the record

SEP 28 2005

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


Penny S. Lowenthal