

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>JANE VIELEHR,</p> <p>v.</p> <p>Respondent:</p> <p>LARIMER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 45211</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on March 30, 2007, Debra A. Baumbach and Sondra W. Mercier presiding. Petitioner’s husband, Charles Vielehr, represented Petitioner. Respondent appeared by phone and was represented by George Haas, Esq. Petitioner is protesting the 2005 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**910 Mountain Avenue, Berthoud, Colorado
(Larimer County Schedule No. 94143-00-002)**

The property is a residence of approximately 1,124 square feet built in 1947. The lot size is shown as 1.0 acre. The property is located in unincorporated Larimer County, adjacent to the Berthoud town boundary. Mountain Avenue serves as a primary artery in the town of Berthoud. Adjacent uses include Berthoud Village shopping center to the south and Turner Middle School to the north. According to Petitioner, the residence is in fair condition, with no forced air heating and no amenities.

Petitioner contended that the assessor has consistently raised the value of the subject property over the prior valuation, with Petitioner’s estimate of value at \$150,000. Petitioner provided no documentation to support the estimate of value.

The assessor originally assigned a value of \$228,200 to the subject property, which the Board of Equalization reduced in July 2005 to \$213,000. Respondent presented an appraisal shown as Respondent's Exhibit 1, indicating a value of \$238,000 for the subject property. The appraisal was supported with four comparable sales that occurred over an extended base period, from June 2001 to March 2004. Actual selling prices for the comparable sales ranged from \$145,000 to \$215,000, with adjustments made for date of sale, square footage, and garage space. Significant upward adjustment was made for lot size, ranging from \$55,000 to \$61,100. After adjustment, the comparable sales indicated a value range of \$231,240 to \$267,150.

At issue is whether the assessor gave adequate consideration to the subject property's inferior residential location, heavily influenced by a junior high school and shopping center, compared to the large site size of the subject property.

The Board did not believe that Respondent supported the significant upward adjustment for land size. However, the value set by the Board of Equalization of \$213,000, appears reasonable based on the comparable sales presented by Respondent. In addition, Petitioner provided no support for the estimate of value of \$150,000.

The Board was convinced that the subject property was correctly valued for tax year 2005 at \$213,000.

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 24th day of May 2007.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach

Debra A. Baumbach

Sondra W. Mercier

Sondra W. Mercier

This decision was put on the record

MAY 23 2007

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

A. Heinlein

Heather Heinlein

