

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner</p> <p>CANDACE L. DEAN</p> <p>V.</p> <p>Respondent</p> <p>LARIMER COUNTY BOARD OF EQUALIZATION</p>	<p>Docket No.: 47303</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on July 19, 2007. Karen E. Hart, Lyle Hansen, and James R. Meurer presiding. Petitioner, Candace L. Dean, appeared pro se. Respondent was represented by phone by William Ressue, Esq. Petitioner is protesting the 2006 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**401 East Douglas Road, Fort Collins, Colorado
(Larimer County Schedule No. 9825213006)**

The subject property is a one-story, single-family house with a detached two-car garage located in Fort Collins, Colorado. The structure is frame construction, contains 628 finished square feet, and has a 520 square foot unfinished basement with a concrete and dirt floor. The house was constructed in 1934 and is in overall fair condition. Site size is 10.22 acres and utilities consist of electricity, public water, and two private septic systems. In addition to the house there are miscellaneous outbuildings consisting of two poultry sheds, two loafing sheds, two farm utility sheds, one barn, one hay shed, and three utility sheds. There are also two mobile homes on the property which are not included in the value and not part of this appeal. The zoning of the property is FA (Farming). The subject property is not owner occupied and was purchased in 1995 for \$177,000.00.

Petitioner is requesting a 2006 actual value of \$252,000.00 for the subject property. Respondent assigned a value of \$272,200.00 for tax year 2006. Petitioner and Respondent concur on the physical characteristics of the structures (e.g. square footage, construction materials); however, the parties disagree on the utility and value of the outbuildings, as well as the overall value of the subject property.

Petitioner did not submit an appraisal on the subject; however, she provided pictures of the house, outbuildings, and mobile homes. According to Petitioner, the buildings were in overall poor to fair condition and many of the outbuildings were unusable. Petitioner also questioned whether the sales used by the county were truly comparable to the subject property.

Respondent's witness, Ms. Amy Wagner, a Colorado Certified General Appraiser with the Larimer County Assessor's Office, presented an appraisal indicating a value of \$272,216.00 for the subject including \$4,118.00 for the outbuildings. The value of the house was based on the sales comparison approach and the value of the outbuildings was based on the cost approach as a lump sum amount. Ms. Wagner testified that there was no available value breakdown by building and no support for the assigned lump sum. Respondent argued that the outbuildings were functional and did contribute to the value of the property. In the appraisal, Ms. Wagner presented three improved comparable sales ranging in price from \$257,500.00 to \$288,000.00. After adjustments, the sales ranged from \$248,180.00 to \$275,120.00. Ms. Wagner provided four land sales in support of the subject's value as though vacant. The Board concludes that no weight should be given to the land sales since the analysis lacks any discussion and adjustments.

Petitioner provided sufficient probative evidence and testimony to prove the subject property was incorrectly valued for tax year 2006. Petitioner demonstrated that the outbuildings have no contributory value. The Board emphasizes Respondent's improved Comparables 1 and 3, demonstrating adjusted values ranging from \$248,180.00 to \$268,098.00. Due to the condition of the subject property the Board determines the value should come from the lower end of the adjusted range. Therefore, the Board concludes that the 2006 actual value for the subject property should be \$250,000.00.

ORDER:

Respondent is ordered to reduce the 2006 actual value of the subject property to \$250,000.00.

The Larimer 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 8th day of August 2007.

BOARD OF ASSESSMENT APPEALS

Karen E Hart

Karen E. Hart

Lyle D. Hansen

Lyle Hansen

James R. Meurer

James R. Meurer

This decision was put on the record

AUG 07 2007

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

Heather Heinlein

Heather Heinlein

