

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>LUKE TOOKER,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>CHAFFEE COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 48215</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on May 30, 2008, Diane M. DeVries and Sondra W. Mercier presiding. Petitioner was represented by Susan Lea, custodian of Luke Tooker, minor. Respondent was represented by Jennifer A. Davis, Esq. Petitioner is protesting the 2007 actual value of the subject property.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**7180 County Road 178, Salida, Colorado  
(Chaffee County Schedule No. R368129300108)**

The subject is a four bedroom, two bath home of 2,052 square feet on 1.34 acres. There is an additional 1,377 square feet of finished basement space.

Petitioner presented an indicated value of \$240,000.00 for the subject property, based solely on Mr. Tooker’s purchase of the property on June 30, 2006. Ms. Lea indicated that the purchase represented an arm’s-length transaction; therefore, it represented market value for the subject. Ms. Lea testified that at the time of sale the property required maintenance and significant clean-up.

Respondent presented an indicated value of \$285,000.00 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sales price from \$244,000.00 to \$276,000.00 and in size from 2,094 to 2,210 square feet. After adjustments were made, the sales ranged from \$262,869.00 to \$311,730.00.

Respondent assigned an actual value of \$314,014.00 to the subject property for tax year 2007; however, a value of \$285,000.00 was recommended at the hearing.

Petitioner presented sufficient probative evidence and testimony to prove that the tax year 2007 valuation of the subject property was incorrect. The Board was convinced that the actual sale of the subject should be given careful consideration. While the sales price appears to represent a value at the low end of the range, Respondent presented no evidence that it was in fact a “distressed” sale. This value is near the range indicated by Respondent’s sales data prior to adjustment.

The Board concluded that the 2007 actual value of the subject property should be reduced to \$240,000.00.

**ORDER:**

Respondent is ordered to reduce the 2007 actual value of the subject property to \$240,000.00.

The Chaffee County Assessor is directed to change her records accordingly.

**APPEAL:**

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Colorado Revised Statutes (“CRS”) section 24-4-106(11) (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the Respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of CRS section 24-4-106(11) (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

Colo. Rev. Stat. § 39-8-108(2) (2007).

**DATED and MAILED** this 4<sup>th</sup> day of June 2008.

**BOARD OF ASSESSMENT APPEALS**

*Diane M DeVries*

Diane M. DeVries

*Sondra W. Mercier*

Sondra W. Mercier

This decision was put on the record

**JUN 04 2008**

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

*Heather Heinlein*

Heather Heinlein

