

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>MICHAEL L. & JANE R. GREGORY,</p> <p>v.</p> <p>Respondent:</p> <p>GRAND COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 48240</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on May 7, 2008, James R. Meurer and Diane M. DeVries presiding. Michael L. Gregory appeared pro se for Petitioners. Respondent was represented by Anthony J. DiCola, Esq. Petitioners are protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**Lakeside at Pole Creek Townhomes Unit 22B
239 Bergamot Drive, Tabernash, Colorado
(Grand County Schedule No. R209443)**

The subject property, built in 2001, has 1,876 square feet, four bedrooms, three bathrooms and a one-car garage. It is located about 0.7 miles southwest of the Town of Tabernash in the Lakeside at Pole Creek Townhomes development. The subject has a good view of the continental divide.

Petitioners presented unit 9A of the subject development that sold May 18, 2005 for \$390,500.00. Respondent also used this sale as a comparable, Respondent's Sale 3.

Petitioners believed that they paid too much for the subject property. The builder has not followed through on items that have needed to be fixed. The subject was a model home for the development.

Petitioners are requesting a 2007 actual value of \$370,000.00 for the subject property.

Respondent presented an indicated value of \$395,000.00 for the subject property based on the market approach.

Respondent presented four comparable sales ranging in sales price from \$342,676.00 to \$395,000.00 and in size from 1,853 to 2,303 square feet. After adjustments were made, the sales ranged from \$324,600.00 to \$424,800.00. Respondent's witness adjusted his comparable sales for time, bath/bedroom count, age, garage, and deck/porch.

Respondent assigned an actual value of \$385,350.00 to the subject property for tax year 2007.

Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2007.

Respondent's Comparable Sale 1 sold in the time period and was adjacent to the subject property. The comparable had the least amount of adjustments since it is almost identical to the subject and supports the value assigned to the subject property. Respondent's Comparable Sale 3, also presented by Petitioners, after adjustments, exceeded the actual value assigned to the subject.

The Board believes that Respondent adequately valued the subject property using comparable sales within the subject development for tax year 2007.

ORDER:


The petition is denied.

APPEAL:

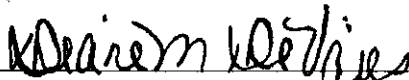
If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Colorado Revised Statutes ("CRS") section 24-4-106(11) (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered). Colo. Rev. Stat. § 39-8-108(2) (2007).

DATED and MAILED this 2nd day of June 2008.

BOARD OF ASSESSMENT APPEALS



James R. Meurer

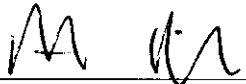


Diane M. DeVries

This decision was put on the record

JUN 02 2008

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



Heather Heinlein

