

<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>JERRY W. &amp; K. LAURINE ROWE,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>GRAND COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 48293</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on May 8, 2008, James R. Meurer and Sondra W. Mercier presiding. Petitioner, K. Laurine Rowe, appeared pro se. Respondent was represented by Anthony J. DiCola Esq. Petitioner is protesting the 2007 actual value of the subject property.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**590 Elk Trail, Winter Park, Colorado  
(aka Elk Run of Winter Park Filing 2 Lot 16)  
(Grand County Schedule No. R065430)**

The subject is a 0.60 acre residential parcel located proximate to the Winter Park Ski Area. The subject has paved road access with public utilities available to the site. The site is generally forested with slightly sloping topography and good mountain views.

Petitioner is requesting a 2007 actual value of \$213,400.00 for the subject property. Petitioner contends that Respondent did not give adequate weight to the numerous sales of lots in the adjacent Leland Creek Subdivision, but rather placed the greatest reliance on the minimal sales that occurred within the Elk Run Subdivision which were “cherry picked” by buyers for their superior view amenities. Petitioner contends that the four Elk Run lot sales used in Respondent’s analysis are all superior to her lot for view amenities.

Respondent presented an indicated value of \$282,000.00 for the subject property based on the market approach.

Respondent presented six comparable sales ranging in sales price from \$165,000.00 to \$279,000.00 and in size from 0.44 to 0.55 acres. Respondent applied a time adjustment based on a statistical analysis of vacant land sales. Sales 5 and 6 received upward adjustments for location, as both are located outside the Elk Run Subdivision in areas that were proven by analysis of sales data to be inferior. After adjustments were made, the sales ranged from \$264,400.00 to \$283,700.00.

Respondent assigned an actual value of \$278,600.00 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.

While Petitioner's testimony indicated that the view amenities of the subject lot were inferior to the four Elk Run sales analyzed by Respondent, no evidence was provided to support this assertion. The Board was convinced by Respondent's sales data that Elk Run lots have consistently sold for prices above that of other nearby subdivisions, particularly Leland Creek. The actual value assigned to the subject for tax year 2007, at \$278,600.00, is well within the range indicated by comparable Elk Run sales and is well supported by Respondent's analysis.

**ORDER:**

The petition is denied.

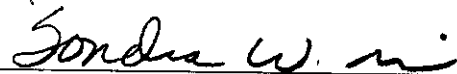
**APPEAL:**

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 15<sup>th</sup> day of May 2008.

**BOARD OF ASSESSMENT APPEALS**

  
\_\_\_\_\_  
James K. Meurer

  
\_\_\_\_\_  
Sondra W. Mercier

This decision was put on the record

**MAY 15 2008**

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

  
\_\_\_\_\_  
Heather Heinlein

