

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>LHC PROFIT SHARING TRUST,</p> <p>v.</p> <p>Respondent:</p> <p>GRAND COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 48591</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. Christopher L. Coleman appeared pro se for Petitioner. 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:

**740 County Road 6421 / Mackinaw Drive
Lot M-41 Mountain Shadows Estates Ph. 3
(Grand County Schedule No. R205380)**

The subject property is a 5.2 acre vacant lot located in Mountain Shadows Estates, approximately four miles south of the town of Grand Lake, Colorado. The subdivision consists of 76 lots, ranging in size from 2.03 to 13.77 acres. The subdivision was platted to give almost all of the lots a view.

Petitioner presented an average sales price of properties sold in the subdivision to be \$227,222.00.

Petitioner presented significant information as to the beetle kill of pine trees in Grand County and specifically to the subject property.

Petitioner is requesting a 2007 actual value of \$180,000.00 for the subject property.

Respondent presented an indicated value of \$255,000.00 for the subject property based on the market approach.

Respondent presented six comparable sales ranging in sales price from \$165,000.00 to \$400,000.00 and in size from 2.12 to 13.76 acres. Adjustments were made for time, size, and view. After adjustments, the sales ranged from \$229,900.00 to \$270,500.00.

Respondent assigned an actual value of \$241,800.00 to the subject property for tax year 2007.

Petitioner provided sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2007. The Board finds that the building envelope on the subject lot does not have the views as believed by Respondent. Therefore, the Board determines that the subject property should be valued on the lower end of the range presented by Respondent. The Board does not believe that an adjustment should be made for beetle killed pine trees on the subject property since the entire county has been plagued with dead or dying pine trees.

The Board determines that the 2007 actual valuation of the subject property should be \$230,000.00.

ORDER:

Respondent is ordered to reduce the 2007 actual value of the subject property to \$230,000.00.

The Grand County Assessor is directed to change his 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.

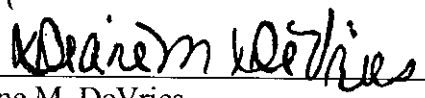
Colo. Rev. Stat. § 39-8-108(2) (2007).

DATED and MAILED this 2nd day of June 2008.

BOARD OF ASSESSMENT APPEALS



James R. Meurer

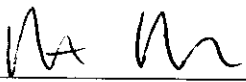


Diane M. DeVries

This decision was put on the record

JUN 0 2 2008

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



Heather Heinlein

