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| <p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>RICHARD DEEM,</p> <p>v.</p> <p>Respondent:</p> <p>PARK COUNTY BOARD OF EQUALIZATION.</p> | <p>Docket No.: 48867</p> |
| <p>ORDER</p> | |

THIS MATTER was heard by the Board of Assessment Appeals on September 29, 2008, Karen E. Hart and Lyle D. Hansen presiding. Petitioner appeared pro se. Respondent was represented by Herbert C. Phillips, Esq. Petitioner is protesting the 2007 actual value of the subject property.

The Board denies Petitioner’s request to submit additional information, which was faxed to the Board on September 29, 2008. Since the information was submitted after the hearing adjourned, the Board did not review or admit the faxed documents.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**1792 Forest Service Road 200, Lake George, Colorado
(Park County Schedule No. R0012023)**

The subject is a single-family residence with original construction in 1982 and additions occurring in 1985, 1989, and 1996. The residence consists of a one-story building of average quality and condition containing a total of 1,912 square feet. There is no basement. Other building improvements include a 960-square-foot detached garage and a 96-square-foot green house. The building improvements are situated on a 20-acre site.

Petitioner presented an indicated value of \$195,000.00 for the subject property.

Petitioner presented no appraisal and no comparable sales. Petitioner testified that he had a partial appraisal accomplished by an independent appraiser but did not present the appraisal to the Board as evidence to support his opinion of value of \$195,000.00.

Petitioner testified that a private road easement passes through his property and that this road is not Forest Service Road-200 (FSR-200) as identified in Respondent's Exhibit 1, Appendix D. Petitioner testified that this private road provides access to his property as well as to the adjacent properties. Petitioner testified that he and the adjacent property owners are responsible for road maintenance including snow removal in the winter. He further testified that there are secured gates and "no trespassing" signs that exist at the property lines preventing public access. Petitioner testified that his property is located three miles from a county maintained road. Petitioner testified that there is no pond on his property; that the photograph on page 7 of Respondent's Exhibit 1 is a water retention area for water runoff from nearby land area. He further testified that there is no stream on his property.

Petitioner is requesting a 2007 actual value of \$195,000.00 for the subject property.

Respondent presented an indicated value of \$240,068.00 for the subject property based on the market approach.

Respondent presented five comparable sales ranging in sales price from \$191,000.00 to \$250,000.00 and in size from 1,024 to 1,804 square feet. After adjustments were made, the sales ranged from \$251,743.00 to \$279,605.00. The Board notes that Respondent's value of \$240,068.00 is below the indicated value range from the five comparable sales.

Respondent assigned an actual value of \$213,625.00 to the subject property for tax year 2007.

Respondent's appraisal included an adjustment grid with several items of property description. The "land adjustment" category included adjustments for differences for three items: acreage, access, and land attributes. Respondent's appraiser testified that the adjustments accomplished on these three areas of land elements involved multiple adjustments. The Board had difficulty in indentifying the individual adjustments. In the future, the Board recommends that these three land elements be individually identified and indicate individual adjustments on the adjustment grid.

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

Respondent's appraiser testified that Comparable Sale 4 was the best comparable for an indication of market value because of its location next to the subject.

The Board gave little weight to Comparable Sale 4. While the sale is located adjacent to the subject, the sale date was May of 2002 requiring a substantial upward adjustment for the period of time between the sale date and the appraisal date.

The Board gave heavy consideration to Comparable Sale 1. This sale occurred in July of 2005 and has the same site size. The Board concluded that Comparable Sale 1 was superior in quality and condition to the subject and the Board accomplished a downward adjustment for both categories. The Board concluded an adjusted sale price of \$230,200.00 for Comparable Sale 1. Since this adjusted sale price is higher than the assigned value of \$213,625.00, the Board concluded that the subject property required no further reduction 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 CRS § 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 § 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.

CRS § 39-8-108(2) (2008).

DATED and MAILED this 17th day of October 2008.

BOARD OF ASSESSMENT APPEALS

Karen E Hart

Karen E. Hart

Lyle D. Hansen

Lyle D. Hansen

This decision was put on the record

OCT 17 2008

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

Heather Flannery

Heather Flannery

