

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>DANIEL BRIAN & LINDA SUZANNE WILLIAMS,</p> <p>v.</p> <p>Respondent:</p> <p>SAN MIGUEL COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 51909</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on May 20, 2010, MaryKay Kelley and Debra A. Baumbach presiding. Mr. D. Brian Williams appeared pro se for Petitioners. Respondent was represented by Rebekah S. King, Esq. Petitioners are protesting the 2009 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**Lot 2, Telluride Mountain Village, Filing 14
San Miguel County Schedule Nos. R1080091601**

The subject property consists of a 0.50 acre site located in the Telluride Mountain Village subdivision. The site is gently sloping to the south, providing a flat building site. There are unobstructed views of Wilson Peak, the golf course and Telluride ski area. All utilities are available at the site boundary.

Petitioners are requesting an actual value of \$550,000.00 for the subject property for tax year 2009. Mr. Williams presented seven comparable sales ranging in sales price from \$478,000.00 to \$840,000.00 and in size from 0.36 to 1.12 acres. He chose sales that were the most similar in physical characteristics and shared a similar location. No adjustments were made

to the sales. An indicated value conclusion of \$25.25 per square foot or \$550,00.00 rounded was based on an average of the seven sales used.

Mr. Williams contended that Respondent overvalued the subject property. All of the sales that took place during that time indicated a declining market trend.

Petitioners are requesting a 2009 actual value of \$550,000.00 for the subject property.

Respondent's witness Mr. Tim R Mann, a Certified Residential Appraiser, with the San Miguel County Assessor's office presented an indicated value of \$600,000.00 based on the market approach.

Respondent presented four comparable vacant land sales ranging in sales price from \$590,000.00 to \$840,000.00 and in size from 0.48 to 0.6 acres. Adjustments were made on a qualitative basis. Mr. Mann placed most emphasis on Sales 1, 2 and 4, which support the value conclusion of \$600,000.00 for the subject property. Average and median sales prices were supportive.

Mr. Mann testified that the subject property has good views, location and a suitable buildable site. The location of the site is superior to many other sites in the subdivision. In valuing the subject property, the comparable sales selected were the most similar in size, topography, view, proximity to the subject and other physical characteristics. One of the main determinates in the valuation process is a suitable building site and not the overall size. Value decline could not be determined.

Respondent's witness discussed Petitioners' sales: 200 Russell and 133 AJ were used by both parties; 152 and 156 Adams Ranch, purchased by the same person on the same day with intended use and price negotiation unknown, were dismissed from consideration; 105 Double Eagle Way and 295 Adams Ranch were both within close proximity to an employee deed restricted housing area; and 122 Singletree contained over an acre and was considered too large for comparison.

Respondent assigned a value of \$600,000.00 to the subject property for tax year 2009.

Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2009.

The Board is persuaded that Respondent's sales, which include two of Petitioners', are most representative of the marketplace and support the assigned value. Petitioners' method of averaging does not adequately address differences in physical characteristics and also includes sales not considered to be the best comparisons.

The Board notes Petitioners' contention that values were declining in the subject's market area, but sufficient evidence supporting a decline was not provided.

The Board affirms Respondent's assigned value of \$600,000.00.00 for the subject property for tax year 2009.

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 Section 24-4-106(11), C.R.S. (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 Section 24-4-106(11), C.R.S. (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.

Section 39-8-108(2), C.R.S.

DATED and MAILED this 27th day of July 2010.

BOARD OF ASSESSMENT APPEALS

MaryKay Kelley
MaryKay Kelley

Debra A. Baumbach
Debra A. Baumbach

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

Heather Flannery
Heather Flannery

