

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>SALASSA ASSOCIATES LIMITED PARTNERSHIPS NOS 2, 3, 4,</p> <p>v.</p> <p>Respondent:</p> <p>CHAFFEE COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 52793</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on November 8, 2010, Diane M. DeVries and Sondra W. Mercier presiding. Petitioner, Mr. Fred Salassa, appeared pro se. Respondent was represented by Jennifer A. Davis, Esq. Petitioner is protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**Mining Claims in the Chalk Creek Area of Chaffee County, Colorado
Chaffee County Schedule Nos. 3527124-00-836, 3527132-00-832, 3529073-00-867, 3529183-00-802, 3529183-00-828 and 3527244-00-810.**

The subject property consists of 38 mining claims under whole or partial interest ownership.

Petitioners are requesting a total actual value of \$264,583.00 for the subject property for tax year 2009. Respondent assigned a total value of \$633,646.00 for the subject property for tax year 2009 but is recommending a reduction to \$629,018.00 for the six schedule numbers combined.

Petitioner presented maps and photographs to describe the location, access, elevation and terrain for each of the subject parcels. Based on site characteristics, Petitioner placed values on each of the claims, with reliance placed on Respondent's sales. Petitioner noted that the Assessor had valued several of his claims significantly higher than the value placed on adjacent parcels.

Petitioner is requesting a 2009 combined actual value of \$264,583.00 for the subject property.

Respondent presented a value of \$785,465.00 for the subject property based on the market approach.

Respondent's witness, Mr. Dean C. Russell with the Chaffee County Assessor's Office, presented eleven comparable sales ranging in sale price from \$520.00 to \$16,107.00 per acre. Mr. Russell testified that he had given limited consideration to sales 1, 2, 10 and 11. Sales 1 and 2 were purchased by the petitioner from the same seller for the same price that the seller had paid in 2004. Sale 10 was for only a partial interest, and Sale 11 lacked legal access at the time of purchase.

Respondent presented topography maps, photographs and aerial photos to describe each of the claims. Mr. Russell compared each of the claims to comparable sales, placing some reliance on Sales 4 and 5, with the greatest weight given to Sales 6 and 7. Mr. Russell testified that a majority of the purchases of mining claims in Chaffee County were for use as cabin sites. The value of those sites with creek or other water features were increased two to two and a half times over non-water claims.

Respondent assigned a combined value of \$633,646.00 for the subject property for tax year 2009 but is recommending a reduction to \$629,018.00.

Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2009. The Board was convinced that Respondent eliminated comparable sales from the lower end of the range without adequate information or support. Sales 1 and 2 represented claims that had been on the market through a realtor that were purchased by the Petitioner. Respondent provided insufficient evidence to support elimination of Sales 1, 2 or 3 from the analysis. Respondent's Sale 1 was of the Flora Bell claim, which is part of this petition. Respondent provided inadequate support for upward adjustments, for sites with creek or other water features, of two to two and a half times compared to claims with no water feature.

The Board was convinced that a portion of Petitioner's claims involved steep terrain, limited seasonal access, environmental issues that would preclude development and high elevations. The Board sets the value for those claims that are most severe at \$585.00 per acre based on Sales 1 and 3.

The Board was convinced that several claims offered good access, potential building sites or other features that would place them at the upper end of the range. The Board sets the value for those claims at \$3,030.00 per acre based on Sales 6 and 7.

The remaining claims offered a combination of both positive and negative features. The Board sets the value for those claims at \$1,750.00 per acre based on Sales 1 through 7.

The Board concluded that the combined 2009 actual value of the subject property should be reduced to \$519,008.00, according to the following schedule:

Parcel No.	Petitioner Requested Value	Respondent Assigned Value	Respondent Revised Value	Board Revised Value
3527124-00-836	\$18,873.00	\$53,481.00	\$48,853.00	\$35,685.00
3527132-00-832	\$55,792.00	\$151,686.00	\$151,686.00	\$103,690.00
3529073-00-867	\$140,785.00	\$349,397.00	\$349,397.00	\$306,660.00
3529183-00-802	\$38,866.00	\$62,299.00	\$62,299.00	\$60,947.00
3529183-00-828	\$3,572.00	\$6,319.00	\$6,319.00	\$5,311.00
3527244-00-810	\$6,695.00	\$10,464.00	\$10,464.00	\$6,715.00
Total	\$264,583.00	\$633,646.00	\$629,018.00	\$519,008.00

Values for individual claims are shown in Attachment 1.

ORDER:

Respondent is ordered to reduce the 2009 actual value of the subject property to \$519,008.00.

The Chaffee County Assessor is directed to change his/her 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 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 13 day of December 2010.

BOARD OF ASSESSMENT APPEALS

Diane M DeVries

Diane M. DeVries

Sondra W Mercier

Sondra W. Mercier

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

Amy Bruins

Amy Bruins



ATTACHMENT 1

Parcel/Claim Name	Acres	Value/Ac	Total Value
3527124-00-836			
Pt De Profundis	8.26	\$3,030	\$25,028
Pt Ultima Thule	3.34	\$1,750	\$5,845
Pt North Pekin	2.75	\$1,750	\$4,813
	14.35		\$35,685
3527132-00-832			
Annex No 2	8.43	\$3,030	\$25,543
Fritz	10.33	\$3,030	\$31,300
Fritz Mill Site	4.90	\$3,030	\$14,847
Annex	8.72	\$2,000	\$17,440
Annex Mill Site	5.01	\$1,750	\$8,768
Mineral Point	3.31	\$1,750	\$5,793
	40.70		\$103,690
3529073-00-867			
Bachelor	10.33	\$3,030	\$31,300
Floyd	10.33	\$1,750	\$18,078
Vulcan	8.80	\$1,750	\$15,400
James C Campbell	10.33	\$3,100	\$32,023
John Taylor	10.33	\$3,030	\$31,300
Richmond	10.33	\$1,750	\$18,078
JC	9.50	\$3,030	\$28,785
Jennie Taylor	10.33	\$3,030	\$31,300
Belle	9.33	\$1,750	\$16,328
Lady Murphy No 2	7.90	\$3,030	\$23,937
Chester MS	3.55	\$3,030	\$10,757
Lady Mary	10.00	\$3,030	\$30,300
Big Hopes	10.33	\$585	\$6,043
Black Devil	7.60	\$585	\$4,446
Chester No 2	3.55	\$585	\$2,077
5/8 int Murphy No 2	3.72	\$1,750	\$6,510
	####		\$306,660
3529183-00-802			
Mary Murphy	10.30	\$600	\$6,180
Andy Crawford	2.60	\$585	\$1,521
K & P	10.20	\$585	\$5,967
Portland	10.30	\$585	\$6,026
Independence	6.80	\$585	\$3,978
Stanley	9.80	\$1,750	\$17,150
Tom Ewing	3.00	\$1,750	\$5,250
Ben Franklin	8.50	\$1,750	\$14,875
	61.50		\$60,947
3529183-00-828			
Andrew Jackson	2.27	\$585	\$1,328
Pt Flad	0.94	\$585	\$550
Pt Flad	2.01	\$585	\$1,176
Pt Lions Den	1.29	\$1,750	\$2,258
	6.51		\$5,311
3527244-00-810			
Flora Bell	10.33	\$650	\$6,715