

**BOARD OF ASSESSMENT APPEALS,  
STATE OF COLORADO**  
1313 Sherman Street, Room 315  
Denver, Colorado 80203

**Docket No.: 57744**

Petitioner:

**GANZARAMA CONDO LLC,**

v.

Respondent:

**GUNNISON COUNTY BOARD OF EQUALIZATION.**

## **ORDER**

**THIS MATTER** was heard by the Board of Assessment Appeals on March 8, 2012, Diane M. DeVries and Lyle D. Hansen presiding. Mr. Samuel Ganz appeared on behalf of Petitioner. Respondent was represented by Art Trezise, Esq. Petitioner is protesting the 2011 actual value of the subject property.

Subject property is described as follows:

**31 Crested Mountain Lane, Unit G-2, Mt. Crested Butte, CO 81225  
Gunnison County Schedule No. R005805**

The subject property consists of a condominium unit in the Crested Mountain Condos. This is a two-level unit located on the second and third floors of the wood frame building and contains a total of 1,150 square feet. The structure was constructed in 1979. The unit has two bedrooms, a balcony and a fireplace. The condominium complex has a clubhouse with a hot tub. The subject has a good view of the mountains.

Petitioner is requesting an actual value of \$350,000.00 to \$400,000.00 for the subject property for tax year 2011. Respondent assigned a value of \$550,800.00 for the subject property for tax year 2011 but is recommending a reduction to \$520,000.00 for tax year 2011.

Mr. Ganz presented two comparable sales ranging in sale price from \$295,120.00 to \$615,700.00 and in size from 1,213 to 1,324 square feet. No dollar adjustments were accomplished.

Mr. Ganz testified that his comparable sale one is located directly below the subject unit and has superior location because of its location on the ground level. He testified that this unit has the advantage of “ski in, ski out” whereas accessing the subject requires ascending up several flights of stairs. Mr. Ganz testified that the first floor unit also has ground level location benefits with landscaping and bar-b-que amenities. He testified that the sale price for this unit should be adjusted downward for these amenities.

Petitioner is requesting a 2011 actual value of \$350,000.00 to \$400,000.00 for the subject property.

Respondent presented a value of \$520,000.00 for the subject property based on the market approach.

Respondent’s appraiser, Mr. George Lickiss, a Colorado Certified Residential Appraiser with the Gunnison County Assessor’s Office, presented three comparable sales ranging in sale price from \$512,000.00 to \$655,000.00 and in size from 794 to 1,285 square feet. After adjustments were made, the sales ranged from \$504,470.00 to \$537,575.00.

Mr. Lickiss testified that he also utilized the unit located below the subject as his comparable sale one. He testified there is no difference in “ski in, ski out” amenities between this sale and the subject since both units have access to the nearby ski area. Mr. Lickiss testified that the subject is located in close proximity to the commercial town site and the ski area. He accomplished adjustments for differences between the subject and the three comparable sales for a time adjustment, quality of construction, unit floor and building location, and, year of construction.

Respondent assigned an actual value of \$550,800.00 to the subject property for tax year 2011 but is recommending a reduction of the assigned value to \$520,000.00.

Respondent presented sufficient probative evidence and testimony to show that the value of the subject property should be reduced to \$520,000.00 for tax year 2011.

The Board placed greater reliability upon Respondent’s value estimate. The Board agreed with the appraiser’s adjustment analysis to the three comparable sales. The Board agreed with the appraiser’s final valuation placed near the mid-point of the adjusted sale price range.

**ORDER:**

The 2011 actual value of the subject property shall be reduced to the value recommended by Respondent, \$520,000.00. The Gunnison 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 22nd day of March, 2012.

**BOARD OF ASSESSMENT APPEALS**



*Diane M. DeVries*

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Diane M. DeVries

*Lyle D. Hansen*

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Lyle D. Hansen

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

*Milla Crichton*

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Milla Crichton