

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

**Docket No.: 57840**

Petitioner:

**BRAD L. AND CYNTHIA M. HOFMEISTER,**

v.

Respondent:

**MORGAN COUNTY BOARD OF EQUALIZATION.**

**ORDER**

**THIS MATTER** was heard by the Board of Assessment Appeals on January 4, 2012 and April 27, 2012, Debra A. Baumbach and Diane M. DeVries presiding. Petitioners were represented by Brad Hofmeister. Respondent was represented by Christine C. Stretesky, Esq. Petitioners are protesting the 2011 actual value of the subject property.

Subject property is described as follows:

**123 Cherokee Road, Weldona, Colorado  
Morgan County Schedule No. R011927**

The subject property, built in 1993, is a single family residence on two lots, Lot 122 and 123 in the Jackson Lake RV Park Subdivision. The property is a one story residence with 864 square feet containing two bedrooms, one bath and a 312 square foot detached garage. There is no basement.

Petitioners purchased the subject property post base year, in July 2010, for \$67,500.00.

Petitioners are requesting an actual value of \$70,000.00 for the subject property for tax year 2011. Respondent assigned a value of \$105,610.00 for the subject property for tax year 2011.

Brad L. Hofmeister, Certified General Appraiser, stated that based on the land sales that have occurred in the Jackson Lake RV Park Subdivision for the three and one half years prior to June 30, 2010, \$42,000.00 placed on the land value of the two lots is representative of the sales.

Petitioners presented five comparable sales ranging in sale price from \$43,400.00 to \$181,500.00 and in size from 648 to 1,580 square feet. After adjustments were made, the sales ranged from \$31,342.00 to \$81,663.00. All of Petitioners' sales were within the Jackson Lake RV Park Subdivision.

Petitioners adjusted for land size, quality, condition, effective age, square footage, fixtures, heating, air conditioning, garage, carport, patio, and balcony.

Comparable sales 1 and 3 were remodeled after the sale. All sales occurred within the applicable 18 month data gathering period of January 1, 2009 through June 30, 2010 and the extended 60 month data gathering period.

Petitioners are requesting a 2011 actual value of \$70,000.00 for the subject property.

The Board ordered Respondent to do a site specific appraisal of the subject property using comparable sales within close proximity to the Jackson Lake RV Subdivision. Respondent submitted a site-specific appraisal report to the Board, presented as Respondent's Exhibit 6.

Respondent presented a value of \$105,610.00 for the subject property based on the market approach.

Respondent's witness, Paul Vowell, Certified Residential Appraiser for the Morgan County Assessor's Office, presented six comparable sales ranging in sale price from \$77,500.00 to \$161,500.00 and in size from 624 to 2,139 square feet. After adjustments were made, the sales ranged from \$81,200.00 to \$125,500.00.

Mr. Vowell adjusted for time, location, design, construction quality, site/view, age, condition, room count, square footage, basement, garage/carport, and porches.

Respondent valued the subject property as below average construction quality. Respondent's six comparable sales were located one block to seven miles from the subject property.

Respondent assigned an actual value of \$105,610.00 to the subject property for tax year 2011.

Petitioners presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2011.

The Board determined that sales from the Jackson Lake RV Park are the most representative of the value of the subject property. All of Petitioners' sales and two of Respondent's sales were located within the Jackson Lake RV Park. The Board believes that the subject property's quality is below average.

There is a dispute as to whether the sales used by Petitioners were arms-length transactions. There was insufficient evidence and testimony to prove that distressed sales were representative of

the market as of June 30, 2010. Therefore, the Board believes that the 2011 actual value of the subject property should be on the lower end of the range of Respondent's sales grid at \$81,200.00.

The Board concluded that the 2011 actual value of the subject property should be reduced to \$81,200.00.

**ORDER:**

Respondent is ordered to reduce the 2011 actual value of the subject property to \$81,200.00.

The Morgan County Assessor is directed to change their 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 25<sup>th</sup> day of May, 2012.

**BOARD OF ASSESSMENT APPEALS**



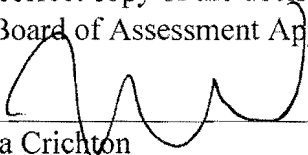
Debra A. Baumbach

*Diane M DeVries*

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Diane M. DeVries

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



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Milla Crichton

