

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>JOHN AND STEPHANIE FLANIGAN,</p> <p>v.</p> <p>Respondent:</p> <p>GUNNISON COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 58019</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on January 20, 2012, Louesa Maricle and James R. Meurer presiding. Petitioner, Mr. John Flanigan, appeared pro se on behalf of Petitioners. Respondent was represented by Arthur Trezise, Esq. Petitioners are protesting the 2011 actual value of the subject property.

Subject property is described as follows:

**Lot C-16, Prospect at Mr. Crested Butte Phase No. 1
5 Ptarmigan Mt. Crested Butte, CO
Gunnison County Schedule No. R041994**

The property consists of a single-family two story mountain contemporary style home containing 4,559 square feet of above grade living area. The house was constructed in 2007, is frame construction with a log, stone, and cedar exterior, and site size is approximately 1.08 acres. The property has a 576 square foot two car built-in garage. The subject has ski in/out capability and is reported to be in overall good condition.

Petitioners are requesting an actual value of \$2,125,022 for the subject property for tax year 2011. Respondent assigned a value of \$2,381,780 for the subject property for tax year 2011.

Mr. Flanigan argued that the appraisal provided by Respondent was inaccurate and mischaracterized the property. Mr. Flanigan further argued that the appraisal model used to set the 2011 value for the subject property resulted in an over-valuation considering the values of comparable properties in the immediate neighborhood. Six equalization comparables were provided to support Petitioners' argument; however, no sale comparables were submitted to

substantiate a market value. Mr. Flanigan noted that the house was frame construction rather than the log construction as indicated by Respondent and stated that the time adjustments used by Respondent did not reflect accurate market conditions.

Respondent's witness, Mr. George Lickiss, a Certified Residential Appraiser with the Gunnison County Assessor's Office, presented three comparable sales to support his opinion of value. All of the sales were in the same or similar locations and sale prices ranged from \$2,125,000 to \$2,852,100 prior to adjustments and \$2,014,310 to \$2,746,810 subsequent to adjustments. Sale No. 1 occurred in 2008 and Sales No. 2 and No. 3 occurred in 2009. The significant adjustments to the sales consisted of sale date (time) at 1.0% per month, living area square footage at \$165 per square foot, finished basement at \$100 per square foot, garage at \$10,000 per car, and ski in/out capability at \$100,000 to \$250,000 depending on distance. Sale No. 3 was given the most weight in arriving at a final value of \$2,600,000.

The Board can only consider an equalization argument as support for the value of the subject property, once the subject property's value has been established using a market approach. *Arapahoe County Bd. of Equalization v. Podoll*, 935 P.2d 14, 16 (Colo. 1997). After careful consideration of the testimony and exhibits presented at the hearing, the Board concludes that Respondent's comparable sales and adjustments to the sales accurately reflect the market value for the subject property. The Board further concludes that the issues raised by Petitioners have been recognized in the assigned value.

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.

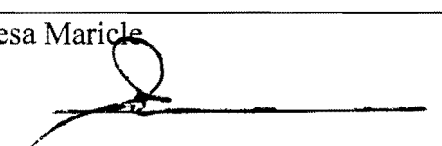
Section 39-8-108(2), C.R.S.

DATED and MAILED this 30th day of January, 2012.

BOARD OF ASSESSMENT APPEALS

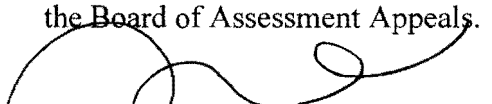


Louesa Maricle



James R. Meurer

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



Milla Crichton