

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>DONALD SEPPI,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>LAKE COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 58038</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on January 13, 2012, Debra A. Baumbach and James R. Meurer presiding. Petitioner, Mr. Donald Seppi, appeared pro se. Respondent was represented by Lindsey Parlin, Esq. Petitioner is protesting the 2011 actual value of the subject property.

Subject property is described as follows:

**125 E. 5<sup>th</sup> Street, Leadville, CO  
Lake County Schedule No. 20001369**

The property consists of a multi-level home containing 1,145 square feet of above grade living area with a partial basement and a crawl space. The current improvements actually consist of three older houses that were combined into one structure, the original of which was constructed approximately 100 year ago. The house contains three bedrooms and one bath and heating system is both hot water and electric baseboard. There is a two car detached garage and lot size is approximately 11,000 square feet. The house is considered to be in average condition for its age, including newer windows, partial insulation, and adequate electrical.

Petitioner is requesting an actual value of \$95,000 for the subject property for tax year 2011. Respondent assigned a value of \$176,054 for the subject property for tax year 2011.

Mr. Seppi presented both land and improved comparables to compare to the subject property and placed most reliance on the improved comparable located at 414 E. 10<sup>th</sup> St. which sold for \$109,000.00 in October of 2009 and the comparable located at 419 E. 8<sup>th</sup> St. which sold for \$113,000.00 in August of 2009. Mr. Seppi argued that the comparables presented by

Respondent were not similar to the subject property in terms of age, quality, location, and condition.

Respondent's witness, Mr. Howard Tritz, Lake County Assessor, presented four sales to support his opinion of value. The sales ranged in price from \$62,000 to \$280,000 prior to any adjustments and from \$110,850 to \$217,432 subsequent to adjustments. All of the sales were located outside of the town limits of Leadville. The major adjustments to the sales included lot size and living area square footage; however, minimal support was provided by Respondent for these adjustments. Mr. Tritz's final estimate of value for the subject was \$176,054 with equal emphasis on all of the sales. Respondent argued that Petitioner did not provide an appraisal on the property and did not meet its statutory burden of proof.

After careful consideration of the testimony and exhibits presented at the hearing, the Board concludes that Petitioner's argument pertaining to the value of the property is realistic and supportable. The Board is convinced that the two comparables presented by Petitioner with sales prices of \$109,000 and \$113,000 are the best reflection of market value for the subject property. The Board further concludes that the comparables presented by Respondent were sufficiently dissimilar to the subject to warrant any weight in the Board's final opinion of value.

### **ORDER:**

Respondent is ordered to reduce the 2011 actual value of the subject property to \$113,000.00.

The Lake 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 27<sup>th</sup> day of January, 2012.

**BOARD OF ASSESSMENT APPEALS**

*Debra A. Baumbach*

Debra A. Baumbach

*[Signature]*  
James R. Meurer

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

*[Signature]*  
Milla Crichton

