

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>JOAN M. SHARP,</p> <p>v.</p> <p>Respondent:</p> <p>PARK COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 58049</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on January 30, 2012, Debra A. Baumbach and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by Marcus McAskin, Esq. Petitioner is protesting the 2011 actual value of the subject property.

Subject property is described as follows:

**Lot 271 Sheep Ridge Road, Fairplay, Colorado
Park County Schedule No. R0039301**

The subject property is a vacant 1.15 acre treed residential site bordering a horse pasture. It is located in Warm Springs Ranch, a gated community with homeowners' association, clubhouse, horse pastures, and private fishing. The water system is central, electricity is available, and interior roads are maintained.

Petitioner is requesting an actual value of \$34,000.00 for the subject property for tax year 2011. Respondent assigned a value of \$44,566.00 but is recommending a reduction to \$38,091.00 .

Ms. Sharp described the subject's "average" view, testifying that it was given insufficient consideration in Respondent's appraisal. She considered Lot 187 (Respondent's Sale 2) and Lot 193 (Respondent's Sale 4) to have superior Pike's Peak views that were not adjusted downward in Respondent's appraisal.

Ms. Sharp described the appraisal process as subjective and confusing. Adjustments were inconsistent in appraisals for the different levels of the appeal process. The subject's view rating changed from superior to average during the process. Ms. Sharp considered adjustments in Respondent's appraisal to be subjective and the statistical analysis confusing.

Based on the market approach, Respondent presented a value of \$38,091.00 for the subject property. Respondent's witness, Angela R. Kanack, Certified Residential Appraiser, presented six comparable sales ranging in sale price from \$35,000.00 to \$46,500.00. Mass-appraisal adjustments were made for size, view, and desirability (proximity to horse pasture or national forest). After adjustments were made, the sales ranged from \$37,357.00 to \$46,721.00.

Ms. Kanack acknowledged that the subject's original "superior" view rating could not be substantiated on inspection, did not conform to neighboring lots, and was changed to "average."

Ms. Kanack discussed the adjustment process as a statistical program involving all land sales within the prior four years and concluding to statistical significance for various features (access, topography, view, water, tree cover, etc.).

Respondent presented sufficient probative evidence and testimony to show that the subject property was correctly valued for tax year 2011. All parties agree that comparable sales selected by Respondent were located within the subdivision, representative of the subject, and the best available.

The Board gives little weight to Respondent's statistically-derived adjustments; in site-specific appraisals, appraisal methodology involves adjustments that reflect comparisons between the subject and each comparable sale. Respondent's adjustments were derived from studies of all land sales, which possibly includes commercial land, various sized parcels, and differing locations, among many other factors. However, Petitioner presented no market data to support different view adjustments.

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 the matter 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 14th day of February, 2012.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach

Debra A. Baumbach

MaryKay Kelley

MaryKay Kelley

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

Milla Crichton
Milla Crichton

