

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>ROBERT J. NEWCOMBE,</p> <p>v.</p> <p>Respondent:</p> <p>MONTEZUMA COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 62728</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on May 14, 2014, Debra A. Baumbach and Diane M. DeVries presiding. Petitioner, Mr. Robert J. Newcombe, appeared pro se. Respondent was represented by John Baxter, Esq. Petitioner is protesting the 2013 actual value of the subject property.

Subject property is described as follows:

**1251 Merritt Way, Dolores, Colorado
Montezuma County Schedule No. R002932**

The subject property consists of a 2.43 acre vacant lot in Merritt Subdivision, Lot 10. The subject is located on Dolores River. There are less than 50 vacant lots left in Dolores River Valley in Montezuma County. Less than half of parcels located on the river serve as primary residences for the owners.

Petitioner is requesting an actual value of \$80,000 for the subject property for tax year 2013. Respondent assigned a value of \$100,000 for the subject property for tax year 2013.

Petitioner purchased the subject property on September 13, 2011 for \$110,000.

Petitioner submitted two pages of a six-page appraisal report prepared after the base period. The appraiser that authored the report did not testify as to the appraisal. Pursuant to the narrative in the appraisal, there weren't any comparable sales available since the September 10, 2013 appraisal

date to determine market change since that date. The appraisal further stated, “[i]t is presumed that the stated market trends of softening conditions are slowly continuing.”

Petitioner is requesting a 2013 actual value of \$80,000 for the subject property.

Respondent presented a value of \$100,000 for the subject property based on the market approach.

Respondent’s witness, Mr. William Scott Davis, Certified General Appraiser and Montezuma County Assessor, presented a market approach consisting of three comparable sales ranging in sale price from \$110,000 to \$138,000 and in size from .2682 to 2.43 acres. No adjustments were made.

Mr. Davis testified that Sale One is the subject property; Sale Two is located across Dolores River; and Sale Three is up the river from the subject. He stated that Dolores River is the highest valued area in the county. According to Mr. Davis, properties located on Dolores River command premium values compared to the rest of the county.

Respondent assigned an actual value of \$100,000 to the subject property for tax year 2013.

Petitioner presented insufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2013.

Colorado Revised Statutes require that all property must be valued using the appropriate approaches to value. Vacant land is valued using the market approach which requires using actual arms-length transactions that occurred within the 18- month period prior to date of the level of value, June 30, 2012. If there are insufficient sales available within the 18-month base period, the statutes allow extension of the data-gathering period for up to 60 months.

In his analysis, Petitioner did not use the market approach to value but rather presented values of vacant land parcels that were previously reduced by the County Board of Equalization. The subject property was purchased during the base period for \$110,000 and was valued by the County at \$100,000 which is less than the property was purchased for in the base period.

The Board agrees with Respondent’s 2013 actual value of \$100,000.

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-nine 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-nine 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 10th day of June, 2014.



BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach

Debra A. Baumbach

Diane M. DeVries

Diane M. DeVries

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

Milla Lishchak
Milla Lishchak