

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

Docket No.: 68678

Petitioner:

MARION J. WELLS,

v.

Respondent:

GARFIELD COUNTY BOARD OF EQUALIZATION.

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on June 9, 2016, James R. Meurer and MaryKay Kelley presiding. Petitioner appeared *pro se*. Respondent was represented by Janette Shute, Esq. Petitioner is protesting the 2015 actual value of the subject property.

Subject property is described as follows:

**6702 County Road 309, Parachute, Colorado
Garfield County Schedule No. R270070**

The subject is a 3,819 square foot two-story “rammed earth” residence with a garage and a barn. It was built in 1995 on a rural two-acre site nine miles east of Parachute.

Respondent assigned an actual value of \$394,250 for tax year 2015, which is supported by an appraised value of \$437,000. Petitioner is requesting a value of \$270,000.

Petitioner’s home is serviced by a domestic well, solar-powered electricity, and septic system. It is located in the rural area of Rulison; services and amenities are available in Parachute and Rifle, approximately ten miles away.

Ms. Wells disputed Respondent’s claim that property values have increased in the area. According to Ms. Wells, Respondent’s witness used data from a large area that included Rifle, which has a Walmart, medical facilities, schools and college, emergency services, restaurants and stores, and an airport. Ms. Wells pointed out that one of Respondent’s sources, Market Snapshot, reported value increase in Rifle that does not apply to the subject neighborhood. Also, Petitioner testified that

gas wells are prolific throughout the subject neighborhood which negatively affects the property values in the area. Ms. Wells stated that The Post Independent reported value decline in oil/gas areas affected by job loss. Ballotpedia.org reported median sales of homes were approximately \$70,000 lower than areas without drilling. Ms. Wells argued that Respondent's witness applied time adjustments that were not supportable in her rural area.

In support of the aforementioned argument, Ms. Wells presented four sets of paired sales in the Rulison area. They show a percent loss per month ranging from .5% to .03% and an average loss per month of .05%.

Ms. Wells disputed Respondent's description of the subject property. While there is a two-car attached garage, the lower-level one-car garage is inaccessible due to terrain (30% grade and no turning radius) and is used as storage. The barn has neither heat nor a water source as reported by Respondent's witness.

Ms. Wells presented four comparable sales from the Rulison neighborhood. They ranged in sale price from \$170,000 to \$340,000. She performed several calculations, including application of time adjustments (value decline), but, from the information presented, the Board is unable to derive Petitioner's value conclusion of \$270,000.

Respondent's witness, Gregory J. Wetzel, Licensed Appraiser for the Garfield County Assessor's Office, presented a Sales Comparison Analysis with five comparable sales, two of which were also used by Petitioner. Sale prices ranged from \$307,000 to \$505,000. All are stick-built homes within a five-mile radius of the subject. After adjustments for time, acreage, improvement size, and outbuildings, the sale prices ranged from \$411,000 to \$507,000. Mr. Wetzel placed greatest weight on Sale Two (as most similar to the subject in location, acreage, and topography), which has an adjusted sale price of \$437,750. He concluded to an indicated value of \$437,000 for the subject.

Mr. Wetzel applied data from a regression analysis of 110 base period sales in the Parachute area to conclude to a 1.04% per-month value increase.

Mr. Wetzel commented on Petitioner's Sales One and Two. Sale One was a HUD foreclosure and uninhabitable. Sale Two was a distress sale between related parties and not listed on the open market. Mr. Wetzel testified that he was unable to understand Petitioner's valuation analysis.

Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2015.

The Board is persuaded that Petitioner's built-in garage is inaccessible and functions as storage. Respondent's garage line item should reflect a two-car garage and a related \$5,000 adjustment per garage bay.

Respondent's witness has not convinced the Board that the subject area has experienced value increase. The Board was not swayed by Mr. Wetzel's regression analysis that covers a broad area including towns with services and amenities.

Ms. Wells' paired sales analysis is persuasive. The Rulison neighborhood does not have services and amenities, and its job and housing markets appear to have been influenced by the volatility of the oil and gas industry. The Board has applied Petitioner's percent loss per month (.5%) to Respondent's comparable sales. All other adjustments unchanged, the adjusted sale prices (recalculated) range from \$253,651 to \$378,670. The Board gives greatest weight to Sales Two (also used by Petitioner) and Three with adjusted values of \$316,180 and \$336,700, respectively. The recalculated value is estimated at mid-point value of \$326,000, rounded.

The Board concluded that the 2015 actual value of the subject property should be reduced to \$326,000.

ORDER:

Respondent is ordered to reduce the 2015 actual value of the subject property to \$326,000.

The Garfield 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-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.

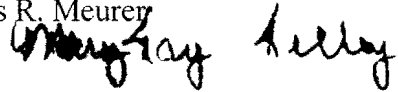
If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

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

DATED and MAILED this 29th day of June, 2016.

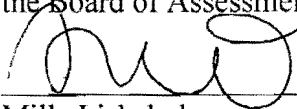
BOARD OF ASSESSMENT APPEALS


James R. Meurer



MaryKay Kelley

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



Milla Lishchuk

