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| <p><b>BOARD OF ASSESSMENT APPEALS,<br/>STATE OF COLORADO</b><br/>1313 Sherman Street, Room 315<br/>Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>BARBARA H. O'TOOLE REVOCABLE TRUST,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>EAGLE COUNTY BOARD OF EQUALIZATION.</b></p> | <p><b>Docket No.: 70505</b></p> |
| <p><b>ORDER</b></p>   |                                 |

**THIS MATTER** was heard by the Board of Assessment Appeals on December 6, 2017, Louesa Maricle and Sondra W. Mercier presiding. Ms. Barbara H. O'Toole appeared on behalf of Petitioner. Respondent was represented by Holly Strablizky, Esq. Petitioner is protesting the 2017 actual value of the subject property.

Subject property is described as follows:

**230 Curtis Lane, Basalt, Colorado  
Eagle County Schedule No. R025367**

The subject property consists of a two-story single-family residence, built on a 15,232-square foot site. The residence was built in 2008 and includes 2,408 square feet of above grade living area.

Petitioner is requesting an actual value of \$750,000 for the subject property for tax year 2017. Respondent assigned a value of \$860,000 for the subject property for tax year 2017.

Ms. O'Toole testified that the most comparable sales were situated in Basalt's North Side neighborhood. Petitioner presented six comparable sales ranging in sale price from \$464,500 to \$916,000, with only time adjustments considered. Petitioner's witness calculated the average sale price for the six properties as \$717,189. Ms. O'Toole concluded that 630 E. Sopris and 680 E. Sopris were most like the subject, indicating a value range of \$604,057 to \$743,600.

Petitioner's witness testified that she personally constructed the residence using the most cost-effective building materials available, including recycled items from remodels. Ms. O'Toole

provided photos showing deferred maintenance, improvements that need to be made, and the lower-end finishes in the kitchen and bathroom. Petitioner's witness emphasized the lack of landscaping on the subject, the un-paved driveway, and gravel access road to the subject. Ms. O'Toole also testified that a "halfway house" 20 feet from her house had a negative affect on the value of her home.

Petitioner is requesting a 2017 actual value of \$750,000 for the subject property.

Respondent presented a value of \$885,000 for the subject property based on the market approach.

Patrick Corcoran, a Certified General Appraiser with the Eagle County Assessor's Office, testified on behalf of Respondent, and presented six comparable sales with time adjusted sales prices ranging from \$577,478 to \$1,113,856 and in size from 1,339 to 2,695 square feet. After adjustments were made, the sales ranged from \$761,167 to \$1,099,766. Giving the greatest weight to Sales 1, 2 and 3, which included the sale of 630 E. Sopris (Sale 1), Mr. Corcoran concluded to a value of \$885,000.

Mr. Corcoran assigned a fair (C4 and Q4) rating to the subject for quality and condition based on an exterior inspection; Petitioner did not allow an internal inspection. Respondent's witness reported that he had investigated the "halfway house" and found that it had been closed for "5 or 6 years".

Respondent assigned an actual value of \$860,000 to the subject property for tax year 2017.

Mr. Corcoran relied on the best information available regarding the subject as being in fair condition, correctly applied the market approach as required by Colorado Revised Statute, and considered the "extent of similarities and dissimilarities among properties" by applying market supported adjustments. Section 39-1-103(a)(I), C.R.S. Four of the sales he relied on were also considered comparable by Petitioner (Sales 1-3 and 6). He placed the greatest reliance on three of the sales considered the most comparable by Petitioner, including the sale of 630 E. Sopris (Sale 1). Mr. Corcoran's concluded value was supported by the range indicated by the remaining comparable sales after adjustment.

Petitioner presented insufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2017. Petitioner provided six sales based strictly on their location in the Basalt North Side market area as defined by the Assessor's office. The Board gives no weight to Petitioner's methodology of averaging unadjusted sales prices, as that is not an appropriate appraisal practice. Although the Board finds that 630 E. Sopris and 680 E. Sopris were appropriate comparable sales, Petitioner gave no consideration to the similarities and dissimilarities of these sales compared to the subject, and no adjustment beyond market conditions (time) were considered by Petitioner.

**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 26<sup>th</sup> day of December, 2017.

**BOARD OF ASSESSMENT APPEALS**



Louesa Maricle



Sondra W. Mercier

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



Milla Lishchuk

