

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>JOSEPH A. TASSËT & ET AL,</p> <p>v.</p> <p>Respondent:</p> <p>LAS ANIMAS COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 70578</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on February 22, 2018, Debra A. Baumbach and Sondra W. Mercier presiding. Petitioner Joseph A. Tasset appeared pro se on behalf of Petitioners. Respondent was represented by Mary D. Newnam, Esq. Petitioners are protesting the 2017 actual value of the subject property.

Subject property is described as follows:

**Tract 43, Spanish Peak Estates
Las Animas County Schedule No. R0015149**

The subject property is a 35.16-acre parcel of vacant land.

Petitioners are requesting an actual value of \$7,032.00 for the subject property for tax year 2017. Respondent assigned a value of \$74,504.00 for the subject property for tax year 2017.

To support the requested value, Mr. Tasset presented a Purchase Agreement, unsigned and undated, indicating a purchase price of \$7,032. When asked by the Board if the offer of \$7,032 had been accepted, Mr. Tasset responded that it had not been accepted because it was too low.

Respondent's witness, Jodi Amato, the Las Animas County Assessor, testified that the subject had been reclassified from agricultural use to vacant land for tax year 2017. Respondent's witness, Ivor J. Hill, with I.J. Hill Appraisal Services, presented an appraisal report indicating a value of \$75,000 for the subject property based on the market approach.

After consideration of the cost, market, and income approaches as required by Colorado Revised Statute, only the market approach was found relevant to the valuation of the subject. The Board found Respondent's testimony and evidence to be the most credible and market based. Respondent's witness correctly completed a site-specific market analysis of the subject property, comparing sales of similar properties, and adjusting for differences in property characteristics. The appraisal report indicated a value of \$75,000, which supported the actual value of \$74,504 assigned to the subject for tax year 2017.

Petitioners presented insufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2017. Petitioners' use of an undated Purchase Agreement as the support for the requested value does not conform to accepted appraisal practice; nor did Petitioner present data to refute Respondent's sales or value.

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 2nd day of March, 2018.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach

Debra A. Baumbach

Sondra W. Mercier

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

Milla Lishchuk

