

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>WILLIAM &amp; EVANGELIA SWINDLE,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>ROUTT COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 70711</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on January 30, 2018, Gregg Near and Debra A. Baumbach presiding. Petitioners appeared pro se. Respondent was represented by Lynaia South, Esq. Petitioners are protesting the 2017 actual value of the subject property.

The parties agreed to the admission of Petitioners' Exhibit 1 and Respondent's Exhibit A. Ms. Susan Siggson was admitted as an expert witness.

Subject property is described as follows:

**37225 William William  
Lot 92 Tree Haus, Steamboat Springs, CO  
Routt County Schedule No. R3245496**

The subject property is a vacant, buildable residential lot located in the Tree Haus Subdivision in Steamboat Springs. The lot contains .48 acres, is treed and moderately sloping in topography. The lot is located at the northern section of the subdivision near the end of a cul-de-sac with unobstructed views toward the ski area. All roads in the subdivision are paved and access to the site is via Mt. Werner Rd. and William William Rd. Tree Haus Metropolitan District provides water and sewer, and electric is provided by Yampa Valley Electric.

Petitioners are requesting an actual value of \$250,000 for the subject property for tax year 2017. Respondent assigned a value of \$300,000 for tax year 2017.

Petitioner, Mr. Swindle, contends that the subject lot is incorrectly valued. Mr. Swindle testified that during the relevant two-year period there were a total of four comparable lot sales that took place in Tree Haus Subdivision. Mr. Swindle argued that Respondent's analysis only included two of the four sales in the subdivision and two sales from competing subdivisions. Mr. Swindle argued that Respondent overstated the subject's value by using comparable sales in a competing market area that do not reflect the values in the subject's market area.

Mr. Swindle referred to Petitioners' Exhibit 1, page 11, a break-down of lot values in the Tree Haus Subdivision and several competing subdivisions provided to him by Respondent's witness, Ms. Siggson. Mr. Swindle explained that lots were divided into a three-tier system of lot values based on site characteristics including: location, size, elevation, views and other characteristics affecting the value. The lot values ranged as follows: Tier 1, inferior lots valued at \$220,000; Tier 2, average lots valued at \$250,000 and Tier 3, superior lots valued at \$325,000. Mr. Swindle believes that the subject lot falls in the middle of Tier 2 and should be valued at \$250,000.

Mr. Swindle presented a value of \$250,000 for the subject property based on four lot sales in the Tree Haus Subdivision ranging in time adjusted sales price from \$102,600 to \$292,980 and in size from 0.29 acres to 0.61 acres. No adjustments were made for differences in physical characteristics. Mr. Swindle testified that he considered the sales of Lot 65 (Petitioners' Sale 4) and 69 (Petitioners' Sale 3) to be the best indicators of value. Mr. Swindle stated that Lot 69 is located on the same road as the subject lot, and backs up to open space with diminished views because of homes built on each side of the lot. Lot 65 is located within closer proximity to the subject and is situated at a higher elevation, larger in size and heavily treed. Mr. Swindle argued that Respondent has valued the subject lot above any of the sales in the subdivision.

Petitioners are requesting a 2017 actual value of \$250,000 for the subject property.

Respondent presented a value of \$300,000 based on the market approach. Respondent's witness Ms. Susan Siggson, a Certified Residential Appraiser with the Routt County Assessor's Office, presented a market approach consisting of four comparables ranging in time adjusted sale prices from \$235,800 to \$303,000 and in size from 0.22 acres to 0.61 acres. Ms. Siggson applied qualitative adjustments for site size, topography, location and views. An upward market change adjustment was made to Sales 1 and 2 and because Sales 3 and 4 sold closer to the end of the statutory base period no adjustment was required. Ms. Siggson considered Sales 1 and 2 as slightly inferior, Sale 3 as inferior and Sale 4 as similar to the subject property. Ms. Siggson testified that she gave most weight to Sales 1 and 2 because they are located in the same subdivision as the subject property and secondary weight was given to Sales 3 and 4 because they are both located in competing subdivisions. Ms. Siggson testified that Sale 4 required no qualitative adjustments for physical characteristics but that she considered Sale 1 the most comparable sale because it represents specific market perception to the subject's market area. Respondent's witness concluded to a value of \$300,000 for the subject property.

Ms. Siggson testified that she personally performed an exterior inspection of the subject property in June and again in December of 2017. Ms. Siggson described Tree Haus Subdivision as located on a hillside facing east with views toward Steamboat Ski Resort. The subdivision also is

within close distance to the city limits. According to Ms. Siggson, there are varying degrees of topography throughout the subdivision ranging from moderate to extreme slopes, varying quality of views and varying tree densities. Ms. Siggson stated the lots located in the southern section of the subdivision are heavily treed with minimal views and do not receive adequate sunlight for snowmelt, and other lots are limited in development capability because of extreme sloping topography.

Ms. Siggson testified that the subject property is a buildable lot located near the end of a cul-de-sac, the site is moderately sloping in topography with unobstructed views. In selecting the most comparable lot sales she chose the two most similar sales in the subdivision and two in a nearby subdivision. The sales that were used in the analysis were considered the most similar in size, location, views and topography. Adjustments were made for differences affecting the value. Ms. Siggson testified that she reviewed the four sales in the subdivision but determined that two of the sales (Lot 15 and Lot 7) were significantly inferior to the subject lot and would require a high degree of adjustments.

Ms. Siggson addressed Petitioners' Exhibit 1, pages 11 and 12, the analysis that she provided to Mr. Swindle. According to Ms. Siggson page 11 of Petitioners' Exhibit 1 included Assessor Office's time trending analysis that consisted of 80 qualified lot sales during the relevant two-year time frame. Page 12 included a breakdown of lot values assigned to Tree Haus Subdivision. Both analyses were based on a mass appraisal methodology. Ms. Siggson explained that the Assessor's Office divided the subdivision into a three-tier system assigning lot values based on location and differences in physical characteristics. The values assigned to the tiers are base values and do not specifically take into consideration all the factors affecting the value for each lot.

Petitioners presented insufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2017.

Colorado case law requires that "[Petitioner] must prove that the assessor's valuation is incorrect by a preponderance of the evidence." *Bd. of Assessment Appeals v. Sampson*, 105 P 3d 198, 204 (Colo.2005). The Board considered the evidence and testimony presented by both parties and finds Respondent's market approach to be the most credible evidence presented at the hearing.

The Board finds Respondent's witness correctly completed a site-specific market appraisal of the subject property comparing sales of similar properties and making qualitative adjustments to the sales for differences in physical characteristics. The Board finds that qualitative adjustments are acceptable appraisal practice. Respondent's sales are similar in size, location, views and topography. Respondent made appropriate adjustments to the sales for differences affecting the value.

While the Board agrees with Petitioners that the base value for the subject lot supports a value of \$250,000, the Board finds Petitioners' market analysis less credible. Petitioners' market analysis was based on mass appraisal methodology without taking into consideration differences affecting the value. Petitioners' sales were not individually adjusted for differences in market conditions (time of sale) or physical characteristics affecting the value.

Relative to Petitioners' argument that all four lot sales in the subdivision should be used in the analysis to determine the value for the subject property, Petitioners presented minimal information concerning the two comparable sales not used by Respondent for the Board to consider how similar or dissimilar the sales are to the subject property. Petitioners failed to present any refutable evidence to the Board that Respondent erred in not using the sales. The Board finds Respondent's argument most persuasive in that the sales were inferior to the subject lot and would have required a high degree of adjustments for differences in location, views and topography.

Further, Petitioners failed to convince the Board that the two comparable sales used by Respondent in a competing subdivision are not suitable for consideration in the valuation or that Respondent failed to adjust the sales for locational differences affecting the 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).

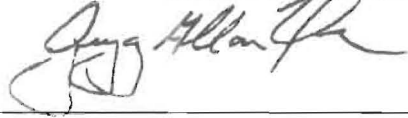
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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 22nd day of February, 2018.

**BOARD OF ASSESSMENT APPEALS**

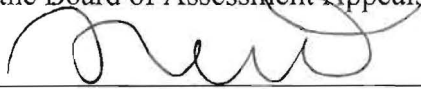


Gregg Near



Debra A. Baumbach

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



Milla Lishchuk

