

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**

1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 49106

Petitioner:

AURARIA FOUNDATION, INC.,

v.

Respondent:

PROPERTY TAX ADMINISTRATOR.

ORDER

On April 2, 2008, the Property Tax Administrator rescinded the October 26, 2007 denial of exemption petition for tax year 2002 to present on the property identified by the Denver County Schedule number 233724030 and Property Tax Administrator File No. 16-02442-01. A copy of the rescinded Exemption Denial is attached hereto and incorporated herein by this reference.

ORDER:

The Denver County Assessor is hereby ordered to grant exemption to 100% of the value of the property after April 1, 2003. The Denver County Assessor is directed to change his/her records accordingly.

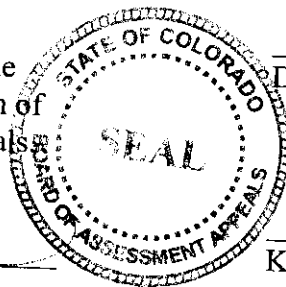
DATED and MAILED this 29th day of April 2008.

This decision was put on the record

BOARD OF ASSESSMENT APPEALS

April 28, 2008

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



Debra A. Baumbach
Debra A. Baumbach

Karen E. Hart
Karen E. Hart

Toni Rigirozzi
Toni Rigirozzi

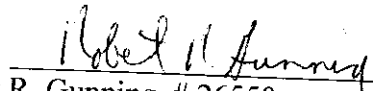
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|---|--|
| BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203 | 2008 APR 25 PM 3:06 BOARD USE ONLY Docket No. 49106 File No. 16 - 02442- 01 |
| Petitioner: AURARIA FOUNDATION, INC. Respondent: COLORADO PROPERTY TAX ADMINISTRATOR | |
| Petitioner's Attorneys: Silverstein & Pomerantz LLP Robert R. Gunning, # 26550 1444 Wazee Street, Suite 335 Denver, CO 80202 Phone No.: 303-991-3659 Fax No.: 303-991-2502 E-mail: rgunning@sptaxlaw.com | |
| STIPULATION | |

The Petitioner, Auraria Foundation, Inc., and the Respondent, the Colorado Property Tax Administrator, have entered into an agreement regarding the exempt status of the property at issue. More specifically, as set forth on the attached Amended Final Determination, the parties are in agreement that 97% of the value of the property was exempt from January 1, 2002, through April 1, 2003, and that 100% of the value of the property was exempt as of April 1, 2003.

WHEREFORE, the parties respectfully request that the Board of Assessment Appeals issue an Order approving this Stipulation.

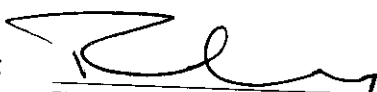
Dated this 22nd day of April, 2008.

SILVERSTEIN & POMERANTZ LLP

By: 
Robert R. Gunning, # 26550
1444 Wazee Street, Suite 335
Denver, CO 80302
(303) 991-3659

**ATTORNEYS FOR PETITIONER
AURARIA FOUNDATION, INC.**

JOHN SUTHERS, COLORADO ATTORNEY GENERAL

By: 
Robert H. Dodd, # 27869
Assistant Attorney General
Business and Licensing Section
1525 Sherman Street, 5th Floor
Denver, CO 80203
(303) 866-4589

**ATTORNEYS FOR RESPONDENT
COLORADO PROPERTY TAX ADMINISTRATOR**

15-DPT-EX
REV. 2/99

STATE OF COLORADO
DIVISION OF PROPERTY TAXATION
DEPARTMENT OF LOCAL AFFAIRS
1313 SHERMAN ST., ROOM 419
DENVER, CO 80203

032808
PHONE (303) 866-2686
TDD (303) 866-5300

AMENDED FINAL DETERMINATION

| OWNER NAME AND ADDRESS | REFERENCE INFORMATION |
|---|---|
| AURARIA FDN, INC CAMPUS BOX A PO BOX 173361 DENVER CO 80217-3361 | App. No. 03-768 File No. 16 - 02442-01 County: DENVER Parcel: 233724030 Examiner: LISA HAKONSON |

FINAL DECISION:
After reviewing your property's eligibility for property tax exemption pursuant to all guiding statutes, court cases, and regulations, the Property Tax Administrator has determined that the exemption should be **granted in part as specified below, effective JANUARY 1, 2002.**

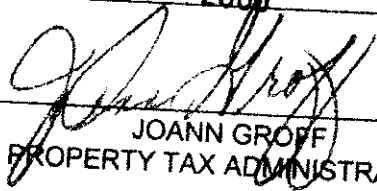
LEGAL DESCRIPTION/QUALIFICATION OF PROPERTY
Exemption was requested for:
LTS 2 & 3 INC, S 4.34 FT LT 4, BLK 29, W DENVER, TOG WI E2 VAC ALLEY ADJ
PROPERTY ON W SIDE
Address: 1030 ST FRANCIS WAY, DENVER

Exemption is granted to:
97% OF THE VALUE OF THE PROPERTY FROM 1/1/02 THROUGH 4/1/03. 100% OF THE
AVALUE OF THE PROPERTY AS OF APRIL 1, 2003..

Exemption is denied to:
3% OF THE VALUE OF THE PROPERTY PRIOR TO APRIL 1, 2003

REASON FOR DENIAL OR REVOCATION:
PRIOR TO 4/1/03, 3% OF THE PROPERTY WAS USED FOR PURPOSES NOT IN COMPLIANCE
WITH C.R.S. 39-3-116.

COMMENTS
THIS AMENDS THE DECISION DATED 10/26/07, TO GRANT EXEMPTION TO 100% OF THE VALUE
OF THE PROPERTY AFTER APRIL 1, 2003.

DATED APR - 2 2008

JOANN GROFF
PROPERTY TAX ADMINISTRATOR

(SEE REVERSE SIDE FOR AN EXPLANATION OF YOUR RIGHTS AND OPTIONS)

NOTICE OF RIGHTS AND RESPONSIBILITIES

RIGHT TO APPEAL

C.R.S. 39-2-117 (5) (b) provides, " An appeal from any decision of the administrator may be taken by the board of county commissioners of the county wherein such property is located, or by any owner of taxable property in such county, or by the owner of the property for which exemption is claimed if exemption has been denied or revoked in full or in part. Any such appeal shall be taken to the board of assessment appeals pursuant to the provisions of section 39-2-125 no later than thirty days following the decision of the administrator."

Forms and instructions for making such appeal may be obtained from the Board of Assessment Appeals, Department of Local Affairs, 1313 Sherman Street Room 315, Denver, CO 80203. Phone (303) 866-5880.

RESPONSIBILITIES OF THE EXEMPT PROPERTY OWNER

Owners of property granted exemption by this office must do the following to maintain their property's exemption:

- I. Notify this office within thirty days of any change of mailing address, ownership or usage of the property. Property transferred by deed will be returned to the tax rolls as of the date of the deed. If a substantial change in the use of the property occurs, it is possible that the new usage might not qualify the property for exemption. If we believe that the new usage would negatively affect your exemption, this immediate notification may allow your organization to make the changes necessary in time to avoid the loss of exemption.
- II. If your property has been granted exemption under the religious purposes statute, it is the owner's responsibility to ensure that the subject property either has sufficient actual use, OR has at least one actual use per calendar year AND sufficient continuing indicators of intent in order to retain exemption. (See Rules II.B.11 and 12 for specifics.) Failure to sufficiently use a property may result in loss of tax exemption.
- III. Each year following the year in which exemption is granted, owners of such exempt property must file an annual Exempt Property Report on or before April 15. These reports are supplied by the Division of Property Taxation early each year. The Division of Property Taxation takes no responsibility for reports not filed in a timely manner for any reason. It is the responsibility of the exempt property owner to see that these reports are completed and returned to the Division of Property Taxation annually by April 15, and with the appropriate filing fees. Contact this office if your reports are not received in time for completion by the April 15 deadline each year.

On all future correspondence regarding this property, the owner should refer to the file number shown on this determination.

EXEMPTION OF PERSONAL PROPERTY

- ⇒ Unless otherwise noted on the face of this determination, any personal property owned by the named entity and located on this property is granted/denied exemption in the same percentage as the real property.
- ⇒ Leased personal property is not included.
- ⇒ Pursuant to C.R.S. 39-5-104.5, personal property taxes are assessable to the person or entity which owns that property as of January 1. Additionally, C.R.S. 39-3-130 (1)(a)(II) prohibits the proration of personal property taxes for any portion of a year. Therefore, if the effective date of this decision is anything other than January 1, the date given will affect any real property (land and buildings) described on the face of this form. However, the change will not be effective for any personal property (furniture, equipment, or other movable items) until the following January 1. Thus, for exemptions granted mid-year, any personal property involved will remain taxable until January 1 of the following year. For revocations effective mid-year, any personal property involved will remain exempt until January 1 of the following year.