

<b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203	<b>Docket Number: 55911</b>
Petitioner: <b>CB LAND COMPANY, LLC,</b>  v.  Respondent: <b>OTERO COUNTY BOARD OF EQUALIZATION.</b>	
<b>ORDER ON STIPULATION</b>	

**THE PARTIES TO THIS ACTION** entered into a Stipulation, which has been approved by the Board of Assessment Appeals. A copy of the Stipulation is attached and incorporated as a part of this decision.

**FINDINGS OF FACT AND CONCLUSIONS:**

1. Subject property is described as follows:

**County Schedule No.: 108269+2**

**Category: Valuation      Property Type: Commercial Real**

2. Petitioner is protesting the 2010 actual value of the subject property.
3. The parties agreed that the 2010 actual value of the subject property should be reduced to:

**Total Value:            \$2,100,000**  
 (Reference Attached Stipulation)

4. The Board concurs with the Stipulation.

**ORDER:**

Respondent is ordered to reduce the 2010 actual value of the subject property, as set forth above.

The Otero County Assessor is directed to change his/her records accordingly.

**DATED AND MAILED** this 26th day of September 2011.

**BOARD OF ASSESSMENT APPEALS**

*Diane M DeVries*

\_\_\_\_\_  
Diane M. DeVries

*Debra A Baumbach*

\_\_\_\_\_  
Debra A. Baumbach

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

*CM*

\_\_\_\_\_  
Cara McKeller



**BOARD OF ASSESSMENT APPEALS  
STATE OF COLORADO  
DOCKETS NUMBERS 57439 and 55911**

**STIPULATION (As To Tax Years 2009 and 2010 Actual Value)**

**CB LAND COMPANY, LLC,**

Petitioners,

vs.

**OTERO COUNTY BOARD OF COMMISSIONERS,**

Respondent.

THE PARTIES TO THIS ACTION entered into a Stipulation, regarding the tax years 2009 and 2010, respectively, actual valuation of the subject properties and jointly move the Board of Assessment Appeals to enter its Order based on this stipulation. A conference call with the Petitioner and Respondent has resulted in the following agreement:

Subject property is classified as COMMERCIAL and described as follows: Former Bay Valley Foods Facility, North Side of US-50 at Grant Avenue, La Junta, Colorado 81050, County Schedule Number: 108269+2.

A brief narrative as to why the reduction was made: Analyzed market information.

The parties have agreed that the 2009 and 2010, respectively, actual value of the subject property should be reduced as follows:

**Schedule No. 108276**

**ORIGINAL VALUE  
(per year)**

Land	\$59,049
Improvements	\$4,022,481
Personal	\$0
<b>Total</b>	<b>\$4,081,530</b>

**NEW VALUE (per year)  
(2009 and 2010)**

Land	\$59,049
Improvements	\$2,005,951
Personal	\$0
<b>Total</b>	<b>\$2,065,000</b>

**Schedule No. 108270**

**ORIGINAL VALUE  
(per year)**

Land	\$6,339
Improvements	\$31,200
Personal	\$0
<b>Total</b>	<b>\$37,539</b>

**NEW VALUE (per year)  
(2009 and 2010)**

Land	\$6,339
Improvements	\$13,661
Personal	\$0
<b>Total</b>	<b>\$20,000</b>

**Schedule No. 108269**

**ORIGINAL VALUE  
(per year)**

Land	\$5,330
Improvements	\$18,808
Personal	\$0
<b>Total</b>	<b>\$24,138</b>

**NEW VALUE (per year)  
(2009 and 2010)**

Land	\$5,330
Improvements	\$9,670
Personal	\$0
<b>Total</b>	<b>\$15,000</b>

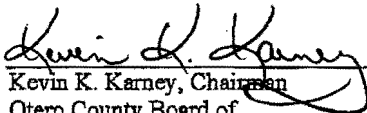
The valuation, as established above, shall be binding only with respect to the tax years 2009 and 2010, respectively. Further the parties agree that Petitioner hereby waives any and all interest, if any, that it may be entitled to on any and all refunds of general property taxes resulting from the subject reduction in actual value of the subject property for ad valorem purposes. Respondent will use its best efforts to refund any funds due Petitioner within in sixty days resulting from this Stipulation, provided however, in the event said refund must be approved by the Board of Assessment Appeals ("BAA"), Petitioner acknowledges and accepts that Respondent has no authority or control over the BAA and the timing of the BAA decision. However, in the event refunds due Petitioner are not received by Petitioner by November 5, 2011, interest shall accrue per statute from that date forward until paid.

Both parties agree the hearing before the Board of Assessment Appeals be vacated or is unnecessary if one has not yet been scheduled.

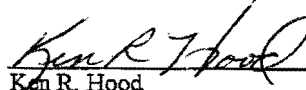
DATED the 15<sup>th</sup> day of September 2011



CB Land Company, LLC  
By Kendra L. Goldstein, Esq.  
#40136  
950 S. Cherry St., Ste. 320  
Denver, CO 80246  
(303) 757-8865



Kevin K. Karney, Chairman  
Otero County Board of  
Commissioners  
Otero County Courthouse  
13 West Third Street, Room 212  
La Junta, CO 80150  
(719) 383-3000



Ken R. Hood  
Otero County Colorado Assessor  
P.O. Box 511  
L Junta, CO 80150  
(719) 383-3010