

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>NANCY G. CROWDER,</p> <p>v.</p> <p>Respondent:</p> <p>GRAND COUNTY BOARD OF EQUALIZATION.</p>	<p>▲</p>
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Nancy G. Crowder Address: 12403 East Vassar Drive Aurora, Colorado 80014 Phone Number: (720) 529-1615 E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 38079</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on January 28, 2002, Debra A. Baumbach and Judee Nuechter presiding. Petitioner appeared pro se. Respondent was represented by Anthony J. DiCola, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**LOT 7 VALENTINE SUBDIVISION
(Grand County Schedule No. R008480)**

Petitioner is protesting the 2001 actual value of the subject property, which consists of a single-family residence located at 114 County Road 308, Parshall, Colorado. The dwelling consists of 1,440 square feet, with 1 bedroom, a loft, and 1.5 baths. There is a smaller cottage or storage area that is 16 feet by 12 feet and faces the river. The site is 2.001 acres and is adjacent to the Williams Fork River.

ISSUES:

Petitioner:

Petitioner contends that the subject property has been unfairly valued by the Respondent for the 2001 base period at a higher dollar per square foot than other similar properties.

Respondent:

Respondent contends that the subject property was properly valued using the market approach to value. The time adjustment used by the Respondent appears to be the issue in this case.

FINDINGS OF FACT:

1. Ms. Nancy G. Crowder, Petitioner, presented the appeal on her own behalf.
2. The Petitioner did not present any comparable sales.
3. Petitioner testified that the outbuilding the Respondent has identified is a shed, not a cabin. Her property is located 35 minutes from a grocery store, and she does not have fire protection. The Respondent's comparable sales near Kremmling do have fire protection and, therefore, she does not feel that these are good comparable sales.
4. The Petitioner testified that she and her husband purchased the subject property for \$235,000.00 at the height of the real estate market. No other dwellings have sold within the base time period in the subject's subdivision, which is somewhat isolated. Ms. Crowder feels that they overpaid for their home.
5. The Petitioner testified that she is employed as a real estate closer for a firm in Denver. She did not feel it was appropriate to request a realtor to search for comparable sales within her neighborhood. Ms. Crowder testified that real estate sales for the area were different in 1999 than today and this should be considered in valuing her property.
6. Petitioner presented an indicated value of \$213,760.00 for the subject property.
7. Respondent's witness, Mr. Kelly Griesch, a Certified Residential Appraiser with the Grand County Assessor's Office, presented an indicated value of \$256,900.00 for the subject property, based on the market approach. He is also a mortgage broker in Grand County.

8. The witness testified that he had performed an exterior inspection on the subject property located in the Williams Fork River Area, also known as the Valentine Subdivision. All of the lots except Lot 1 are improved in this subdivision. There is a greenbelt area of six acres for recreational use within the subdivision, and this greenbelt also borders the subject property. The subdivision is surrounded by large parcels of unimproved land, which is adjacent to the Williams Fork River. The Respondent indicated that they have valued the shed as a cabin.

9. Respondent's witness presented five comparable sales ranging in sales price from \$224,900.00 to \$342,500.00 and in size from 832 to 2,858 square feet. After adjustments were made, the sales ranged from \$255,600.00 to \$310,600.00.

10. The witness testified that Comparable Sale 1 was the subject property sale, as it sold during the base period. Comparable Sale 5 was not truly comparable to the subject property, but it was the only other sale during the base period that was from the subject's subdivision; he did not consider it in determining the appraised value. Sales 2, 3, and 4 were all located on the Blue River, and the witness presented those sales as most comparable to the subject property.

11. Respondent assigned an actual value of \$256,900.00 to the subject property for tax year 2001.

12. Under cross-examination by the Petitioner, the witness testified that the Blue Valley Subdivision is adjacent to the largest ranch in Grand County and is located across the river from that ranch, with rolling hills similar to the subject neighborhood. He would estimate there are 70 home sites in Blue Valley with possibly more traffic than the Valentine Subdivision.

13. Under examination by the Board in regard to the number of sales used in the Multiple Regression chart for time adjustments, the witness testified that there were 177 sales within the base time period that were used in developing the chart. The Board also asked for an explanation of the site adjustments that were used in the Respondent's appraisal grid for the comparable sales. Mr. Griesch testified that the difference in site size and the location of the Blue Valley Subdivision indicated there is more market demand for those sites and ultimately caused higher site values and premium sales prices.

14. During rebuttal testimony by the Petitioner, Ms. Crowder testified that she thinks of a greenbelt area as an open field and not a steep incline. She believes the steep incline in her yard is not a greenbelt area. She also testified that her garage has a dirt floor. The Petitioner feels that the Respondent needs to look at the 2001 marketplace to determine a correct valuation for her property.

15. In rebuttal, Respondent's witness testified that the greenbelt area of the subdivision is exclusive to all property owners and allows fishing rights to the property owners. He believes no dollar value can be given to that amenity. The greenbelt area borders the subject property on the east and north sides and is comprised of 6.14 acres according to the subdivision's original plat map. There is private property on both sides of the river.

16. During additional questions from the Board, the Petitioner testified that the shed or cabin has carpet on the floors, wood covered walls, electric service, and that extra furniture is being stored in that building. Additionally, there are two beds in this shed that are available for additional sleeping space, although she testified that she has never used this area for living space.

CONCLUSIONS:

1. Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2001.

2. After careful consideration of all the evidence and testimony, the Board was most persuaded by the Respondent's witness. Respondent presented a well documented and a reasonably adjusted market approach to value.

3. The Petitioner presented no photos or other credible evidence to support her claim that the cabin was indeed a shed and should have been valued as such.

4. The Board recognizes that the base time period for the valuation of the subject property is January 1, 1999 through June 30, 2000, for a January 1, 2001 level of value, which does not include what the marketplace is indicating in 2001. The use of sales data that occurred after June 30, 2000 is prohibited by Colorado Revised Statutes.

5. The Petitioner did not present any comparable sales that would support her request for a reduction in the actual value of the subject property.

6. The Board affirms the Respondent's assigned value of \$256,900.00.

ORDER:

The petition is denied.

APPEAL:

Petitioner may petition the Court of Appeals for judicial review within 45 days from the date of this decision.

If Respondent alleges procedural errors or errors of law by this Board, Respondent may petition the Court of Appeals for judicial review within 30 days from the date of this decision.

DATED and MAILED this 22nd day of March, 2002.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach
Debra A. Baumbach

Judee Nuechter
Judee Nuechter

This decision was put on the record

MAR 21 2002

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

Diane Von Dollen
Diane Von Dollen



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