

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>RICKE & KIM FEEMSTER,</p> <p>v.</p> <p>Respondent:</p> <p>LAS ANIMAS COUNTY BOARD OF EQUALIZATION.</p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Ricke & Kim Feemster Address: P.O. Box 123 Kim, CO 81049</p> <p>Phone Number: (719) 643-5565 E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 38887</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on March 11, 2002, Claudia D. Klein and Debra A. Baumbach presiding. Petitioner appeared pro se via telephone conference. Respondent was represented by Jim Tatum, Esq., via telephone conference.

PROPERTY DESCRIPTION:

Subject property is described as follows:

Las Animas County Schedule Number 11089700

Petitioner is protesting the 2001 actual value of the subject property, a frame and adobe house built approximately 100 years ago. The subject consists of 2,000 square feet of living area with three bedrooms and one bathroom. There are several porches and garage space. The land area consists of approximately 880 acres, with corrals, barn and well.

ISSUES:

Petitioner:

Petitioner contends that the subject has been overvalued. The subject is an old adobe home in poor condition. Further consideration should be given to the overall poor condition of the home.

Respondent:

Respondent contends that the subject property has been correctly valued using the market comparison approach.

FINDINGS OF FACT:

1. Mr. Rick Feemster, Petitioner, presented the appeal on his own behalf.
2. Based on the market approach, Petitioner presented an indicated value of \$70,933.00 for the subject property.
3. Petitioner did not present any comparable sales for consideration.
4. Mr. Feemster testified the Respondent did not consider the condition of the home in the valuation. The subject is an old adobe home built approximately 100 years ago. The adobe walls are 30 inches thick inside the home. All the doorways are less than 6 feet tall and there is limited insulation in the walls and ceiling. There is no central air or heat and several of the rooms have no heat or air. All the doors and windows are not insulated and leak air.
5. Mr. Feemster believes that further consideration should be given to the poor condition of the home. He believes that the Respondent discounted the land and outbuildings, and placed the difference in value to the house.
6. Mr. Feemster stated that the subject is located in a rural community that is losing population due to the lack of water and a difficult economic climate.
7. Mr. Feemster stated that the subject was purchased in 1998 for \$135,000.00. Both parties agreed that due to the condition of the home a minimal value be given and the majority of the purchase price included the land value and outbuildings.
8. Under cross-examination Mr. Feemster testified he believes the subject has been overvalued. He believes that due to the condition of the house it should be reduced from \$97,645.00 to \$40,000.00. The land area and outbuildings valuation is acceptable.

9. Upon question from the Board, Mr. Feemster testified that the home has a well with a limited water supply and there has been limited updating to the home. The roof is about ten years old. There are porches and decks, the garage space is estimated to be 20' X 25". The interior carpet is approximately 35 years old with no padding; there is newer linoleum in the kitchen and bathroom. The main source of heat in the house consists of several wall heaters.

10. Petitioner is requesting a 2001 actual value of \$70,933.00 for the subject property.

11. Respondent's witness, Mr. Art Mattie, appraiser with the Las Animas County Assessor's Office, presented an indicated value of \$126,449.00 for the subject property, based on the market approach.

12. Respondent did not present any comparable sales.

13. Mr. Mattie testified the subject was valued on the market approach. The land was valued at \$10,933.00. The land area of 480 acres was calculated at \$14.82 per acre and \$9.55 for the remaining 400 acres. The house was valued at \$97,645.00 and the outbuildings were valued at \$13,972.00. There is an additional feature to one of the outbuildings valued at \$727.00.

14. Mr. Mattie testified the house was classified as fair and valued at \$49.80 a square foot. The subject was built in 1910 and the effective age was estimated to be around 1940. The land is being classified as agricultural and valued according to the statute.

15. Respondent's witness Mr. Paul Starkovich testified he was involved in the appraisal of the subject and performed inspection of the subject approximately four years ago. In his opinion the exterior of the subject had been updated. The roof appeared to be newer and rock veneer was surrounding the house with new siding. There was a small section of the original adobe section of the home; however, the majority of the home was considered to be additions. Exterior measurements were done including the garage area and porches. There was no one home at the time of inspection; therefore, no interior inspection could be made.

16. Under-cross examination, Mr. Starkovich testified that all the properties in the county are valued the same and it does not make a difference where in the county the properties are located. The state guidelines are followed in valuing properties within the county.

17. Upon questions for the Board, Mr. Starkovich testified that approximately 400 sales took place during the base period. During that time the market was active and primarily motivated by a larger retirement community moving into the area. All of the sales were analyzed to derive adjustments for any differences in characteristics.

18. Mr. Starkovich further testified that adjustments made for the effective age is based on differences in location. The area is examined as a total and adjustments calculated. He works primarily in the appraisal department is not knowledgeable as to how the adjustments are arrived at.

19. Mr. Starkovich testified that adequate consideration was given to the subject for any deficiencies and the assigned value is well below the purchase price.

20. Respondent assigned an actual value of \$123,297.00 to the subject property for tax year 2001.

CONCLUSIONS:

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

2. The Board has carefully considered all admitted evidence and testimony and has affirmed the Respondent's value. The Respondent failed to provide the Board with any exhibits or comparable sales supporting the value conclusion. The witnesses for the Respondent were not knowledgeable in the specific methodology utilized for the subject and the adjustments made to derive a valuation. The Board was only provided with a broad speculation of what sales were used and the adjustments made.

3. The Petitioner did not present the Board with any comparable sales, or any photos of the subject exhibiting the overall quality and condition. There was no persuasive testimony or evidence presented indicating that the overall condition and quality to be below standard in the area.

4. The Board agrees with the Petitioner that the Assessor's office has failed to provide adequate interpretation of the assessment process and the methodology used. The Respondent did not provide any specific sales in determining the value. The Respondent testified that the degree of appreciation in the market area was a direct result of a large retirement community moving into the area. However it is not known what type of properties were purchased and where in the county these sales took place. There was no data provided to indicate the direct comparison or impact these sales have on the subject property.

5. The only evidence presented to the Board for consideration in determining a value range in the area to be that of the purchase price of the subject. The Board considered the purchase price to be crucial in determining if the assigned value is supportable. The Respondent's assigned value is below the purchase price and takes into consideration any factors affecting the overall value.

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 24th day of April, 2002.

BOARD OF ASSESSMENT APPEALS

Claudia D. Klein

Claudia D. Klein

Debra A. Baumbach

Debra A. Baumbach

This decision was put on the record

APR 23 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

