

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>DONNA A. FRENCH FAMILY LTD.,</p> <p>v.</p> <p>Respondent:</p> <p>OURAY COUNTY BOARD OF EQUALIZATION.</p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Donna A. French Address: P.O. Box 203 Ridgway, Colorado 81432 Phone Number: (970) 626-5639</p>	<p>Docket Number: 41352</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on April 8, 2003, Karen E. Hart and Rebecca Hawkins presiding. Petitioner appeared pro se. Respondent was represented by Paul Sunderland, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**104 Spud Hill Road, Ridgway, Colorado
(Ouray County Schedule No. R003278)**

Petitioner is protesting the 2003 actual value of the subject property, a single-family residence built in 1980 of wood and vinyl siding construction. The residence, built on 7.49 acres, has a total of 1,512 square feet on two floors. The subject property has a view of the mountains and overlooks a campground and a bed and breakfast.

ISSUES:

Petitioner:

Petitioner contends that the subject property has been overvalued. Proper depreciation was not applied and external obsolescence was not considered.

Respondent:

Respondent contends that the subject property was properly valued based on the sales comparison approach.

FINDINGS OF FACT:

1. Ms. Donna French, Petitioner, presented the appeal on her own behalf.
2. Based on the market approach, Petitioner presented an indicated value of \$160,000.00 to \$168,000.00 for the subject property.
3. Ms. French testified that the subject property is a one-story house with 960 square feet plus 552 square feet in the finished walkout basement. There is a wood deck, greenhouse and one-car garage with 408 square feet. The basement is not fully finished and some repairs are needed. The greenhouse is used for storage. Family members built the home, so it is below average in quality and workmanship. Construction materials included used lumber that was 40-60 years old.
4. The home is situated on approximately 7.49 acres and has a partial view of the San Juan mountain range. Negative influences include a bed and breakfast located less than 400 feet below the subject site. A campground is located to the southwest and is clearly visible from the site. The campground generates noise, additional traffic and people trespassing. The campground is open six to eight months of the year.
5. Petitioner presented three comparable sales obtained from the Ouray County Assessor's office. The sales ranged in price from \$163,000.00 to \$205,000.00, and in size from 1,122 to 2,157 square feet. After adjustments were made, the sales ranged from \$143,700.00 to \$173,900.00.
6. Comparable Sale 1, situated on 11.13 acres, is located on a county-maintained road approximately one mile from the subject. This is a superior location, as it does not have any negative influences such as a campground or bed and breakfast. The home is in average condition, newer in year of construction and larger in size. Comparable Sale 2 is located on a county maintained road, has some mountain view and no negative external influences. The site is substantially larger with 19.0 acres and is located approximately 10 miles from the subject. The home is larger in size and is in average condition. Comparable Sale 3 is also located on a county-maintained road with no negative external influences. The lot is smaller in size with only

one acre, and is located 1.3 miles from the subject property. The home is newer in year of construction and larger in square footage. Comparable Sales 1 and 2 are most similar to the subject in location, condition and square footage.

7. Ms. French believes her home is below average in quality and condition, which has a negative affect on the value. Respondent's appraiser failed to apply the proper amount of depreciation to the comparable sales due to the inferior quality, condition and unfinished basement area of the subject property.

8. Petitioner is requesting a 2003 actual value between \$160,000.00 and \$168,000.00 for the subject property.

9. Respondent's witness, Ms. Doris Johnson, a Licensed Residential Appraiser with the Ouray County Assessor's Office, presented an indicated value of \$200,000.00 for the subject property based on the market approach. The appraised value of \$200,000.00 supports the assigned value of \$184,450.00.

10. Respondent's witness presented three comparable sales ranging in sales price from \$229,000.00 to \$259,000.00. After adjustments were made, the sales ranged from \$194,063.00 to \$212,545.00.

11. Ms. Johnson explained that similar sales during the base period from January 1, 2001 to June 30, 2002, were very limited and the real estate market in Ouray has remained static. The three comparable sales used in Respondent's Exhibit 3 are from various locations in Ouray County and were the most comparable in site size, condition and square footage. The subject property is designed with the main living level on the upper floor, with the bedrooms and garage on the ground floor. All three comparable sales are similar to the subject in design.

12. Comparable Sale 1 is similar in site size and design. It also has a finished lower level but has a superior outbuilding. Comparable Sale 2 is also similar to the subject in design but the lower level is unfinished. The site size of .35 acres is substantially smaller than the subject site. Comparable Sale 3 is also similar to the subject in design but has more overall finished square footage. This site is slightly smaller than the subject site, requiring a minor adjustment. Differences in acreage were adjusted at \$3,707.00 per acre.

13. Respondent assigned an actual value of \$184,450.00 to the subject property for tax year 2003.

CONCLUSIONS:

1. Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2003. The comparable sales used by Respondent's witness were correctly adjusted for differences in physical characteristics according to proper appraisal procedure. Respondent's witness presented a documented and organized appraisal report, which supported the value presented.

2. The Board could give little weight to Petitioner's comparable sales. The Board disagrees with the adjustments made to Petitioner's comparable sales for differences in site size, year of construction, square footage and basement finish.

3. The Board understands the intrusion of the campground on Petitioner's view. However, the Board was persuaded that some of the negative factors of the campground and bed and breakfast are offset by mountain and valley views. Petitioner's evidence and testimony concerning view adjustments for locations other than the subject property and comparable neighborhoods were not relevant to this hearing.

4. The Board carefully analyzed Respondent's comparable sales and considered applying a negative view adjustment to all three sales. Since the negative factors are somewhat offset by the positive views, the Board was convinced that any adjustment would be minimal. Even with an adjustment applied, the indicated value range would continue to support Respondent's requested value of \$184,450.00.

5. The other factor in this case is the use of second-hand wood in the construction of the subject property. Construction materials are a matter of personal taste and are generally reflected in the quality of construction or condition sections of the market grid. No support was provided by Petitioner to support an appropriate adjustment.

6. After careful consideration of all of the testimony and evidence presented, the Board affirms Respondent's recommended value of \$184,450.00.

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 ____ day of June, 2004.

BOARD OF ASSESSMENT APPEALS

Karen E Hart
Karen E. Hart

Rebecca Hawkins
Rebecca Hawkins

This decision was put on the record

JUN 14 2004

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

Penny S. Lowenthal
Penny S. Lowenthal

