

**BOARD OF ASSESSMENT APPEALS,  
STATE OF COLORADO**  
1313 Sherman Street, Room 315  
Denver, Colorado 80203

**Docket No.: 43645**

Petitioner:

**DENNIS L. & VICKIE L. MARQUEZ,**

v.

Respondent:

**RIO GRANDE COUNTY BOARD OF  
EQUALIZATION.**

**ORDER**

**THIS MATTER** was heard by the Board of Assessment Appeals on September 14, 2005, MaryKay Kelley and Steffen A. Brown presiding. Petitioner appeared pro se. Respondent was represented by Suzanne Benton, Rio Grande County Administrator. Petitioner is protesting the 2004 actual value of the subject property.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**0175 Mica Road, South Fork, Colorado  
Rio Grande County Schedule No. 1930411010**

The subject property consists of an 880 square foot ranch style dwelling built on a 13,200 square foot lot.

**FINDINGS OF FACT:**

1. Petitioner is requesting a 2004 actual value of \$50,000.00 for the subject property. Petitioner did not present any comparable sales.

2. Petitioner's estimated value is predicated on total construction costs of \$30,000.00 to \$35,000.00, incomplete and very basic construction, exposed plumbing, location on a road that is not maintained, and inferior housing in the immediate area.

3. Respondent presented three comparable sales located in the subject property's subdivision and on dirt roads with no curb or gutter. Respondent's comparables ranged in sales price from \$83,000.00 to \$116,000.00 and in size from 768 to 1,056 square feet. After adjustments for differences in physical characteristics, the sales ranged from \$75,900.00 to \$86,000.00. Based on the market approach to appraisal, Respondent concluded to an indicated value for the subject property of \$70,364.00 allocated as follows:

Improvement (at 94% complete)	\$67,085.00
Land	<u>3,279.00</u>
Total	\$70,364.00

5. Respondent assigned an actual value of \$70,414.00 to the subject property for tax year 2004, but is recommending a reduction in value to \$70,364.00.

**CONCLUSIONS OF LAW:**

1. Sufficient probative evidence and testimony was presented to prove that the subject property was incorrectly valued for tax year 2004.

2. Pursuant to §39-1-103(5)(a) C.R.S., "The actual value of residential real property shall be determined solely by consideration of the market approach to appraisal." The Board may not base its determination of value of residential properties on construction costs.

**ORDER:**

Respondent is ordered to reduce the actual value of the subject property to \$70,364.00 for tax year 2004.

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

**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 20<sup>th</sup> day of September 2005.

**BOARD OF ASSESSMENT APPEALS**

*MaryKay Kelley*

MaryKay Kelley

*Steffen A. Brown*

Steffen A. Brown

This decision was put on the record

**SEP 29 2005**

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

