

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioners:</p> <p>JOHN T. HEISE AND CYNTHIA A. FRONK,</p> <p>v.</p> <p>Respondent:</p> <p>LARIMER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 44907</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on May 29, 2007 and June 12, 2007, Karen E. Hart and Diane M. DeVries presiding. Petitioners appeared pro se. Respondent was represented by Jeannine Haag, Esq. Petitioners are protesting the 2005 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**2425 S County Road 9, Loveland, CO 80537
(Larimer County Schedule No. 8529007702)**

The subject property consists of 18.94 acres of agricultural land, a 3,704 square foot house, a 576 square foot garage, and outbuildings. At the May 29, 2007 hearing, Respondent conceded that the subject's land should be valued as agricultural land. The hearing was continued so the parties could inspect the subject and determined a new valuation for the property. The hearing resumed June 12, 2007.

The subject's house, built in 1975, is a split level frame consisting of 3,704 improved square feet. The total square footage includes a walkout finished basement and excludes the former swimming pool area (classified as an enclosed porch) because Petitioners filled the pool with dirt. There has been no updating/remodeling to the subject as it still has original single pane windows, wood shake roof, and an adverse condition due to a bedroom area elevated from the main section.

Water is district water with a septic/leach field. All of the flooring is in excess of ten years old and in poor condition. Some of the carpeting dates back to the original 1975 vintage.

Petitioners presented three comparable sales ranging in sales price from \$307,500.00 to \$400,000.00, and in size from 1,456 to 2,280 square feet. All were considered ranch design with at least partially finished basements. The comparables were considered average condition and good quality while Petitioners considered the subject property low condition and good quality. After adjustments, the sales ranged from \$135,759.00 to \$203,965.00. Petitioners made significant adjustments to their sales as set forth in Petitioners' Exhibit C, page 4.

Petitioners valued the 5,176 square feet of outbuildings based on Marshall Swift Cost Manual on a value per square foot, with an effective age in 2004, less depreciation, to arrive at a value of \$33,030.00.

Petitioners are requesting a 2005 actual value of \$190,862.00 with \$151,097.00 allocated to the residence, \$33,030.00 to the outbuildings, and \$6,735.00 to the agricultural land.

Respondent presented an indicated value of \$433,900.00 for the subject property based on the market approach for the residence, the cost approach for the outbuildings, and valuing the land as agricultural.

Respondent presented three comparable sales ranging in sales price from \$328,000.00 to \$415,000.00 and in size from 2,168 to 2,655 square feet. After adjustments were made, the sales ranged from \$311,800.00 to \$373,700.00. All sales were similar in age and condition. Adjustments were made for time, quality, square footage, garage, and heating/cooling.

Respondent valued all five outbuildings using the tables from Marshall and Swift Cost Manual and applied all factors, including depreciation, to arrive at a cost value of \$72,500.00.

Respondent assigned an actual value of \$674,664.00.00 to the subject property for tax year 2005. However, Respondent recommends that the 2005 actual value of the subject property be reduced to \$433,900.00 with \$360,000.00 allocated to the residence, \$72,500.00 to the outbuildings, and \$1,420.00 to the agricultural land.

Petitioners provided sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2005. Respondent is now recommending that the subject's land be valued as agricultural land. The Board agrees. Respondent properly adjusted the comparable sales to value the subject's residence at \$360,000.00. Petitioners did not make adjustments using acceptable appraisal standards. The Board disagrees with many of Petitioners adjustments. The subject property was purchased as is. The purchase price of the subject property and comparables used by Respondent reflected the age and condition of the property. The Board agrees with Respondent's market approach for the subject's residence.

Further, the Board agrees with Respondent's methodology used in valuing the outbuildings. All appropriate factors were taken into consideration.

All parties stipulated to valuing the subject's land as agriculture.

Therefore, the Board agrees with the 2005 actual value recommendation of Respondent.

ORDER:

Respondent is ordered to reduce the 2005 actual value of the subject property to \$433,900.00 with \$360,000.00 allocated to the residence, \$72,500.00 to the outbuildings, and \$1,420.00 to the agricultural land.

The Larimer 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 20th day of July 2007.

BOARD OF ASSESSMENT APPEALS

Karen E Hart

Karen E. Hart

Diane M DeVries

Diane M. DeVries

This decision was put on the record

JUL 19 2007

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

Heather Heinlein

Heather Heinlein

