

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>JOSEPH AND MARY BATZEL,</p> <p>v.</p> <p>Respondent:</p> <p>CHAFFEE COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 45123</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on September 8, 2006, Sondra W. Mercier and Diane M. DeVries presiding. Petitioners appeared pro se. Respondent was represented by Jennifer Davis, Esq. Petitioners are protesting the 2005 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**13680 Elk Run, Nathrop, Colorado
(Chaffee County Schedule No. R353318200052)**

The subject property consists of a 1,858 square foot split level home built in 1982 on 2.6 acres. The existing attached garage was converted to living area in 1995. A 650 square foot detached garage was constructed in 1994. The home is considered to be of average quality.

FINDINGS OF FACT:

1. Petitioners indicated that the subject property is one of the oldest homes in the subdivision and is in need of repair. The roof leaks and the siding is damaged.
2. Petitioners presented three comparable land sales ranging in sales price from \$69,000.00 to \$77,500.00 and in size from 2.34 to 2.5 acres. No adjustments were made to Petitioners' comparable land sales.

3. Petitioners are requesting a 2005 actual value of \$240,000.00 for the subject property.
4. Respondent presented an indicated value of \$289,151.00 for the subject property based on the market approach.
5. Respondent presented three comparable sales ranging in sales price from \$280,000.00 to \$335,000.00 and in size from 1,906 square feet to 2,354 square feet. After adjustments were made, the sales ranged from \$284,185.00 to \$302,309.00.
6. Respondent's witness testified that the subject property is considered to be in average condition considering the damaged siding and repairs needed.
7. Respondent assigned an actual value of \$289,151.00 to the subject property for tax year 2005.

CONCLUSIONS OF LAW:

1. Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2005.
2. In Colorado, residential land and improvements must be valued as a unit using the sales comparison approach to value. Petitioners did not present sales of improved properties, only sales of vacant land.
3. The sales comparison approach documented in Respondent's Exhibit 1 substantiates the value assigned to the subject property for tax year 2005. Respondent's comparable sales were properly adjusted to reflect differences in physical condition.

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 21st day of September 2006.

BOARD OF ASSESSMENT APPEALS

Sondra W. Mercier

Sondra W. Mercier

Diane M. DeVries

Diane M. DeVries

This decision was put on the record

SEP 20 2006

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

