

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>MUELLER 1992 CR UNITRUST & THOMPSON 1992 CR UNITRUST</p> <p>v.</p> <p>Respondent:</p> <p>OURAY COUNTY BOARD OF EQUALIZATION</p>	<p>Docket No.: 45449</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on April 13, 2005, Debra A. Baumbach and MaryKay Kelley presiding. Petitioner was represented by John R. Mueller, agent. Respondent was represented by Paul C. Sunderland, Esq. Petitioner is protesting the 2005 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**10833 County Road 1, Ridgway, Colorado
Ouray County Schedule No. R002940**

The subject property is a 60-acre site with a 2,288 square foot two-story residence built in 1994.

FINDINGS OF FACT:

1. When the subject property was purchased, the subject P.U.D. allowed one dwelling per six-acre lot. Thereafter, zoning was changed to permit one dwelling per 35-acre lot, precluding future development on the subject's 60 acres. Petitioner contended that the re-zoning affected the potential for development, thus lowering the value of the site. However, Petitioner did not present

any testimony or evidence regarding a specific loss in value due to the loss of development potential.

2. Petitioner is requesting a 2005 actual value of \$500,000.00 for the subject property, which reflects a modest increase from the 1996 purchase price of \$490,000.00.

3. Respondent presented an indicated value of \$610,000.00 for the subject property based on the market approach.

4. Respondent presented three comparable sales ranging in sales price from \$560,000.00 to \$795,000.00 and in size from 3,106 to 4,047 square feet. After adjustments for location, construction quality, condition, room count, square footage, garage, and outbuildings, the sales ranged from \$595,158.00 to \$788,235.00.

5. Respondent assigned an actual value of \$567,660.00 to the subject property for tax year 2005, which is below the range of values indicated by the market approach.

CONCLUSIONS OF LAW:

Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2005.

ORDER:

The appeal is denied.

Petitioner is ordered to remit to Ouray County the sum of \$100.00 on or before June 1, 2006 as a sanction for Petitioner's failure to comply with pre-hearing Orders issued by the Board of Assessment Appeals.

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 13th day of May 2006.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach
Debra A. Baumbach

MaryKay Kelley
MaryKay Kelley

This decision was put on the record

MAY 11 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

