

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>DAVID A. & REBECCA J. MARTIN,</p> <p>v.</p> <p>Respondent:</p> <p>GUNNISON COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 47953</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on March 20, 2008, MaryKay Kelley and Sondra W. Mercier presiding. Petitioner, David A. Martin, appeared pro se. Respondent was represented by Tom Dill, Esq. Petitioner is protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**Lot 38, Block 23, Crested Butte South, Filing 3
(Gunnison County Schedule No. R042830)**

The subject is a 0.37 acre vacant residential lot located in a subdivided area.

On the petition form, Petitioner requested a 2007 actual value of \$159,500.00 for the subject property. The subject property was purchased within the base year, on July 28, 2005, at a purchase price of \$159,500.00.

Respondent presented an indicated value of \$200,000.00 for the subject property based on the market approach.

Respondent presented four comparable sales ranging in sales price from \$168,000.00 to \$200,000.00 and in size from 0.37 to 0.47 acres. Sales were adjusted only for time resulting in a

range of \$197,400.00 to \$224,400.00. Respondent included the subject in the adjustment process, indicating a time adjusted sales price of \$175,450.00.

Respondent assigned an actual value of \$195,500.00 to the subject property for tax year 2007.

Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2007.

The actual sale of the subject property during the base period provides the best indication of value. Respondent contends that the price paid for the subject was below market; however, no specific evidence of a non-market transaction was presented. The subject sold for \$159,500.00 in July 2005, a price below the median indicated for both June and July 2005, but above the median reported for May 2005. Further, the Board was convinced that a drainage area and easement in place at the time of sale could likely result in a selling price at the lower end of the range.

The Board concluded that the 2007 actual value of the subject property should be reduced to \$175,450.00.

ORDER:

Respondent is ordered to reduce the 2007 actual value of the subject property to \$175,450.00.

The Gunnison County Assessor is directed to change her records accordingly.

APPEAL:

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Colorado Revised Statutes (“CRS”) section 24-4-106(11) (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the Respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of CRS section 24-4-106(11) (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

Colo. Rev. Stat. § 39-8-108(2) (2007).

DATED and MAILED this 8th day of April 2008.

BOARD OF ASSESSMENT APPEALS

MaryKay Kelley
MaryKay Kelley

Sondra W. Mercier
Sondra W. Mercier

This decision was put on the record

APR 08 2008

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

Heather Heinlein
Heather Heinlein

