

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>SHEILA J. &amp; ROBERT A. DAVIE</b></p> <p>v.</p> <p>Respondent:</p> <p><b>RIO GRANDE COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 48026</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on October 8, 2008, Karen E. Hart and James R. Meurer presiding. Robert A. Davie appeared pro se on behalf of Petitioners. Respondent was represented by William Dunn, Esq. Petitioners are protesting the 2007 actual value of the subject property.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**320 Dunham Street, Monte Vista, Colorado  
(Rio Grande County Parcel No. 33-364-38-003)**

The subject is a single-family, detached house located in the town of Monte Vista. The house is two-story, was originally constructed in 1953 and remodeled in 2004, and has a two-car detached garage that was built in 2005. According to the appraisal provided by Petitioners, the house contains 3,241 square feet, is in good condition, and has three bedrooms and three baths. There is no basement. The house has natural gas hot water heat and public water and sewer. Site size is 9,510 square feet.

Based on the sales comparison (market) approach, Petitioners presented an indicated value of \$228,000.00 to \$230,000.00 for the subject property.

Petitioners provided an appraisal for the property using sales from January 1, 2005 to June 30, 2006. Petitioners' witness, Mr. Norman J. Roberts, SRA, a Certified General Appraiser, prepared the appraisal and reflected a market value of \$230,000.00. Four comparable sales ranging in sales price from \$170,000.00 to \$245,000.00 and in size from 2,500 to 2,945 square feet were used in the analysis. After adjustments were made, the sales ranged from \$224,782.00 to \$230,300.00. Petitioners' witness testified that no time adjustments to the sales were warranted due to market conditions and that all of the sales were in close proximity to the subject. Equal weight was given to all four comparables. Mr. Davie and Petitioners' witness also testified that the physical characteristics (e.g. square footage and style) used by Respondent in its valuation of the property were incorrect.

Petitioners are requesting a 2007 actual value of \$228,000.00 to \$230,000.00 for the subject property.

Respondent presented an indicated value of \$266,000.00 for the subject property based on the sales comparison (market) approach.

Respondent's witness, Ms. Michelle Medina, Registered Appraiser with the Rio Grande County Assessor's Office, presented three comparable sales ranging in sales price from \$210,000.00 to \$245,000.00 and in size from 2,776 to 3,090 square feet. After adjustments were made, the sales ranged from \$242,649.00 to \$278,743.00. Major adjustments to the comparables were for date of sale (time), quality of construction, site size, age, living area square footage, heat, and garage.

Respondent assigned an actual value of \$267,625.00 to the subject property for tax year 2007, but is recommending a reduction to \$266,000.00.

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

The Board was convinced by Mr. Davie's testimony and Petitioners' witness and appraisal. It is the conclusion of the Board that Petitioners' appraiser's sales used and adjustments to those sales accurately reflect the market value for the subject property for tax year 2007. Therefore, the Board concluded to a value of \$230,000.00 for the subject property for tax year 2007.

**ORDER:**

Respondent is ordered to reduce the 2007 actual value of the subject property to \$230,000.00.

The Rio Grande County Assessor is directed to change his 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 CRS § 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 § 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.

CRS § 39-8-108(2) (2008).

**DATED and MAILED** this 23<sup>rd</sup> day of October 2008.

**BOARD OF ASSESSMENT APPEALS**

*Karen E Hart*

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Karen E. Hart

This decision was put on the record

**OCT 22 2008**

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

*Heather Flannery*  
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Heather Flannery

*James R. Meurer*  
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James R. Meurer

