

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>JOE AND HELEN VALDEZ,</p> <p>v.</p> <p>Respondent:</p> <p>COSTILLA COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.:48132</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on October 7, 2008, Karen E. Hart and James R. Meurer presiding. Petitioner was represented by Mr. Thomas DePaulo who appeared by phone. Respondent was represented by Mr. Edwin J. Lobato, Esq. Petitioner is protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**Section D, Block 40, Lot 27
Wild Horse Mesa
(Costilla County Schedule No. 71213720)**

The subject property consists of a 2.50-acre vacant residential lot located in Section D, Block 40 of the Wild Horse Mesa subdivision south of the town of San Luis. The lot is located on a dirt road with difficult access. It is irregular in shape and has a gradual slope. There is no water to the property.

Based on the utility of the lot and a market approach from an appraisal on an adjacent lot, Petitioner presented an indicated value of \$3,000.00 for the subject property.

The appraisal submitted by Petitioner did not address the subject lot, and the Board gave it no weight. No other quantifiable information supporting Petitioner’s indicated value was presented.

Petitioner is requesting a 2007 actual value of \$3,000.00 for the subject property.

Respondent presented an indicated value of \$12,000.00 for the subject property based on the sales comparison (market) approach.

Respondent presented three comparable sales ranging in sales price from \$12,000.00 to \$18,500.00 and in size from 2.62 to 2.93 acres. All three sales were similar size lots located in Block 40, Section D of Wild Horse Mesa. Comparable Sales 1 and 2 are located adjacent to the subject lot and Comparable Sale 3 is on the same block. Respondent indicated that no adjustment for the difference in lot sizes or location relative to the subject could be supported and no other adjustments were made to the comparables given their similarity to the subject.

Respondent assigned an actual value of \$15,900.00 to the subject property for tax year 2007.

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

The Board agrees that Respondent's comparable sales provide a good indication of value for the subject property, and support Respondent's indicated value of \$12,000.00. Petitioner did not present sufficient evidence and testimony to show that Respondent's indicated value was incorrect.

ORDER:

Respondent is ordered to reduce the 2007 actual value of the subject property to \$12,000.00.

The Costilla 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 21st day of October, 2008.

BOARD OF ASSESSMENT APPEALS



Karen E. Hart

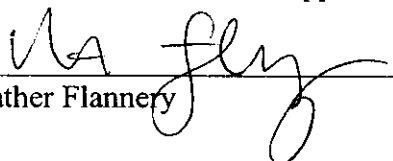


James R. Meurer

This decision was put on the record

OCT 20 2008

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



Heather Flannery

