

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioners:</p> <p>MICHAEL HAMPTON AND PAMELA DAVISON,</p> <p>v.</p> <p>Respondent:</p> <p>COSTILLA COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 48153</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on August 13, 2008, Debra A. Baumbach and Diane M. DeVries presiding. Michael Hampton appeared pro se for Petitioners. Respondent was represented by Edwin J. Lobato, Esq. Petitioners are protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**“R” Ranch aka Melby Ranch, Filing No. 3, Lots 33 & 34
(Costilla County Schedule Nos. 72001100 & 72001090)**

The subject property consists of two vacant land parcels within the “R” Ranch aka Melby Ranch. Each parcel is 35.10 acres. Petitioners indicated that the subject property is not directly off Highway 159. The property is located on a switchback road that increases in elevation about 1,400 feet from the valley floor to the subject. The road is not maintained. There is no electricity or water to the site. There is no infrastructure in this subdivision. On the lots that are developed, the property owner devised their own power either through solar or generator and carry the water that they use.

Petitioners presented four sales within Filing No. 3 with a median value of \$62,000.00.

Petitioners also presented three comparable sales that ranged in sales price from \$58,500.00 to \$76,500.00 and from 35.00 to 35.10 acres in size, deriving a value of \$63,000.00. The only

adjustments were made for time. After adjustments were made, the sales ranged from \$55,575.00 to \$72,675.00.

Petitioners believe that the comparable sales used by both parties are all flat while the subject property has more terrain and that only 20 percent of the property has a usable building envelope.

Petitioners believe that all of the comparable sales were purchased from Mr. Melby and that they are not arm's-length sales. Petitioners contend that if you purchased a lot in Melby Ranch from Mr. Melby then you are able to obtain water free from the Melby Ranch well, if not, you purchase your water from a local source. For these reasons, Petitioners believe that the subject property should be valued at \$30,000.00 for each lot.

Petitioners are requesting a 2007 actual value of \$30,000.00 for each lot.

Respondent presented an indicated value of \$76,000.00 per lot for the subject property based on the market approach.

Respondent used the same comparable sales as Petitioners, ranging in sales price from \$58,500.00 to \$76,500.00, and did not make any adjustments.

Respondent assigned an actual value of \$75,000.00 for each lot to the subject property for tax year 2007.

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

The Board is required to use the Colorado Constitution and Colorado Revised Statutes in valuing vacant land for ad valorem purposes. Respondent properly used the sales comparison approach to value. Petitioners did not present sufficient evidence to show the comparable sales used were not arm's-length transactions. However, the Board believes that Respondent erred in deriving a value on the high end of the indicated range. Because of the subject's topography and building envelope, the Board concluded the subject property should be valued at the low end of the indicated range.

The Board concluded that the 2007 actual value of the subject property should be reduced to \$58,500.00 for each lot.

ORDER:

Respondent is ordered to reduce the 2007 actual value of the subject property to \$58,500.00 for each lot.

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 26th day of September 2008.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach
Debra A. Baumbach

This decision was put on the record

SEP 26 2008

Diane M. DeVries
Diane M. DeVries

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

Heather Flannery
Heather Flannery

