

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioners:</p> <p>JOHN T. HEISE AND CYNTHIA A. FRONK,</p> <p>v.</p> <p>Respondent:</p> <p>LARIMER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 48304</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on May 30, 2008 and August 18, 2008, MaryKay Kelley and James R. Meurer presiding. Petitioners appeared pro se. Respondent was represented by William G. Ressue, Esq. Petitioners are protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**2425 S County Road 9, Loveland, Colorado
(Larimer County Schedule No. R1459040)**

The subject property consists of 18.94 acres of agricultural land, a 3,704-square-foot house, a 576-square-foot garage, and outbuildings. At the May 30, 2008 hearing, it was determined by the Board that Petitioners had requested additional information relative to the valuation of the property, which was not provided by Respondent. Therefore, the hearing was continued and resumed on August 18, 2008. Petitioners are not contesting the value of the land; however Petitioners are contesting Respondent’s value of the house and outbuildings.

The subject property consists of a single-family, detached house constructed in 1975, containing 3,704 improved square feet. The structure is split-level design. The total living area square footage includes a walkout finished lower level and excludes the former swimming pool area which is classified as an enclosed porch. The property is serviced by district water and a septic/leach field. There has been no updating or remodeling to the subject since construction and

Petitioners indicated that there is deferred maintenance in the structure and that it is not in saleable condition.

In addition to the house there are outbuildings which were originally constructed in 1990 and remodeled in 1998. The outbuildings are pole construction with metal exterior and concrete and dirt floors. They contain an office, storage and processing areas, as well as warehouse, freestall, and loafing areas. These buildings are serviced by electricity and water.

Petitioners presented four comparable sales ranging in price from \$381,000.00 to \$525,000.00, and in size from 2,208 to 2,312 square feet. Petitioners argued that the subject was actually a ranch-style structure rather than the split-level classification used by Respondent; therefore, all of the comparables used by Petitioners were ranch-style structures with finished basements. Land and outbuilding values were netted out in the adjustment grid and all of the sales were adjusted for their superior condition relative to the subject. After adjustments, Petitioners reconciled at \$172,754.00 for the house.

Petitioners valued the outbuildings based on the Marshall Swift Cost Manual and Larimer County Assessor data. Deductions to replacement cost consisted of a 20% depreciation factor based on the straight-line method and a 25% "home built" (built by farmer) deduction resulting in an adjusted/depreciated value of \$27,364.00.

Petitioners are requesting a 2007 actual value of \$201,298.00 with \$172,754.00 allocated to the residence, \$27,364.00 to the outbuildings, and \$1,180.00 to the agricultural land.

Respondent presented an indicated value of \$433,900.00 for the subject property based on the market approach for the residence, the cost approach for the outbuildings, and valuing the land as agricultural. The indicated value includes \$360,300.00 allocated to the residence, \$72,500.00 to the outbuildings, and \$1,180.00 to the agricultural land.

The depreciated cost of \$72,500.00 indicated by Respondent for the outbuildings was the result of a Marshall Swift based computer program used by the Larimer County Assessor's office.

Respondent presented four comparable sales ranging in sales price from \$328,000.00 to \$477,000.00 and in size from 2,168 to 3,924 square feet. After adjustments were made, the sales ranged from \$310,381.00 to \$372,270.00. Land and outbuilding values were netted out in the adjustment grid. All of the sales were split-level style structures. Adjustments were made for construction quality, living area square footage, basement, garage, acreage, and heating/cooling.

Petitioners argued that Respondent's comparable sales were in superior condition compared to the subject residence and should have carried adjustments in the market approach. Respondent's witness disagreed. The Board was not convinced that the sales were superior and that adjustments should have been made.

Respondent assigned an actual value of \$433,780.00 to the subject property for tax year 2007.

After considering the arguments presented in the hearing and further review of the comparables and depreciated cost analysis used by Petitioners and Respondent, the Board determines that the sales and adjustments to the sales used in Respondent's market approach for the house, and the replacement costs and depreciation in Respondent's cost approach for the outbuildings, are more reflective of the market conditions during the study period.

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

ORDER:

The petition is denied.

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).

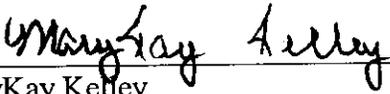
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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) (2008).

DATED and MAILED this 28th day of August 2008.

BOARD OF ASSESSMENT APPEALS



MaryKay Kelley



James R. Meurer

This decision was put on the record

AUG 27 2008

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



Heather Flannery

