

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>LOUIS A. AND MARY K. KOZOIL,</p> <p>v.</p> <p>Respondent:</p> <p>TELLER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 48311</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on April 15, 2008, James R. Meurer and Diane M. DeVries presiding. Louis A. Kozoil appeared pro se for Petitioners. Respondent was represented by Richard G. Wood, Esq. Petitioners are protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**Lot 55 Morning Sun No. 1, 285 Morning Star Court
Woodland Park, Colorado
(Teller County Schedule No. R0023487)**

The subject property is a vacant land parcel consisting of 0.99 acres. This parcel is the land remaining after a fire in April 2006 destroyed the residence on the subject property.

Petitioner, Mr. Kozoil, has removed much of the debris himself. Cost estimates were provided to the Board for demolition of the remaining concrete foundations and driveway.

Petitioners would like the Board to impose a three to five year moratorium on property taxes for the subject property while Petitioners prepare the property to put on the market. The Board cannot exempt any property from taxation.

In the alternative Petitioners provided information on parcel 6031.301110080 that was valued at an actual value of \$6,899.00. This site was considered not buildable by Respondent due to low water pressure.

Petitioners are requesting a 2007 actual value of \$6,899.00 for the subject property.

Respondent presented an indicated value of \$127,000.00 for the subject property based on the market approach.

Respondent presented five comparable sales ranging in sales price from \$116,500.00 to \$158,000.00 and in size from 0.76 to 1.47 acres. By using these sales to determine sales price per acre, the indicated values for the subject property ranged from \$78,460.00 to \$195,391.00.

Respondent assigned an actual value of \$50,000.00 to the subject property for tax year 2007.

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

Respondent's market approach supports a value for the subject property in good condition at \$127,000.00. However, the lot is not in good condition due to the cleanup required and debris remaining from the fire damage. The Board finds there should have been an adjustment downward to the comparables for the condition of the lot. The Board does not know if the market would support an adjustment as great as the \$30,138.94 cleanup estimate provided by Petitioners. But for illustrative purposes, the Board adjusted each of Respondent's comparable sales downward by \$30,000.00 for the condition of the lot as compared to the subject property. The resulting adjusted indicated values ranged from \$58,256.00 to \$156,316.00. The resulting values were all above the \$50,000.00 actual value assigned by Respondent.

ORDER:

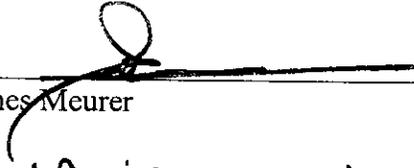
The petition is denied.

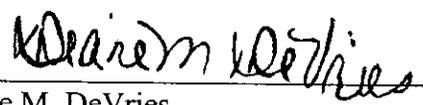
APPEAL:

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

DATED and MAILED this 7th day of May 2008.

BOARD OF ASSESSMENT APPEALS

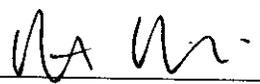

James Meurer


Diane M. DeVries

This decision was put on the record

MAY 07 2008

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


Heather Heinlein

