

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>ROY JERRY HART,</p> <p>v.</p> <p>Respondent:</p> <p>SUMMIT COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 48336</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on November 4, 2008 and December 19, 2008, Diane M. DeVries and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by Frank Celico, Esq. Petitioner is protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**13 County Road 506, Breckenridge, Colorado
Lot 17 Block 8 Breckenridge Heights Sub #2
(Summit County Schedule No. 2800159)**

The subject property is a 964 square foot one-level house built in 1989 above a three-car garage of the same size. It is located on a 0.51-acre site in a single family subdivision just outside Breckenridge town limits. Utilities, typical for the subdivision, include public sewer and a private well.

Respondent assigned a value of \$399,198.00 for tax year 2007. Petitioner is requesting a value of \$299,000.00.

Petitioner did not provide any market data, rather commenting on Respondent's comparable sales.

Petitioner agrees with Respondent's assigned value of \$169,288.00 for the property's improvements. He disagrees with Respondent's assigned land value of \$229,910.00, testifying that it increased by 102% from the assigned value for 2005 of \$112,752.00.

Petitioner is requesting a 2007 actual value of \$ 299,000.00 for the subject property based on the following: a value for the subject improvements of \$169,288.00 per Respondent, and a value of \$129,712.00 for the land based on a 10% increase from the 2005 assigned value of \$112,752.00. According to Petitioner's exhibit, "the average [sales] price in Breckenridge Heights/Summit County has increased only 10% per year during the period of this evaluation."

Respondent's witness presented an indicated value of \$399,198.00 for the subject property based on the market approach.

Respondent's witness presented three comparable sales ranging in sales price from \$320,000.00 to \$429,000.00 and in size from 1,092 to 1,271 square feet. After adjustments were made, the sales ranged from \$399,197.00 to \$468,133.00.

Respondent's Sale 1 was the only sale in the subject subdivision and, therefore, given most weight. Sales 2 and 3 were located in Blue River, a similar distance from downtown Breckenridge. The witness reconciled at the lower end of the adjusted range because of the atypical design of the subject property in comparison to traditionally-designed homes.

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

The Board is unable to consider Petitioner's methodology in establishing value based on a percentage increase in land value from tax year 2005. This is not an acceptable method either in commonly recognized appraisal practice or as required by state statute. Value of residential property must be based on the market approach, considering sales of comparable properties. The Board gives no weight to Petitioner's requested value.

The Board is also unable to consider separate valuations of land and improvements. Standard appraisal practice defines valuation of an improved property as a single entity. In addition, "A party may seek review of only the total valuation for assessment, and not of the component parts of that total." *Cherne v. Bd. of Equalization*, 885 P.2d 258, 259 (Colo.App. 1994). Respondent's witness adhered to this methodology, thereafter allocating a portion of the whole to the land component.

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 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).

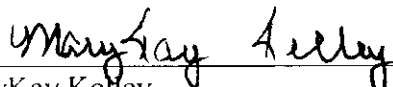
DATED and MAILED this 31st day of December 2008.

BOARD OF ASSESSMENT APPEALS


Diane M. DeVries

This decision was put on the record

DEC 31 2008


MaryKay Kelley

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


Heather Flannery

