

**BOARD OF ASSESSMENT APPEALS,  
STATE OF COLORADO**

1313 Sherman Street, Room 315  
Denver, Colorado 80203

**Docket No.: 48356**

Petitioner:

**DIANE WARDLAW,**

v.

Respondent:

**COSTILLA COUNTY BOARD OF EQUALIZATION.**

**ORDER**

**THIS MATTER** was heard by the Board of Assessment Appeals on August 14, 2008, Debra A. Baumbach and Diane M. DeVries presiding. Petitioner appeared pro se. Respondent was represented by Edwin J. Lobato, Esq. Petitioner is protesting the 2007 actual values of the subject properties.

**PROPERTY DESCRIPTION:**

Subject properties are described as follows:

**White Horse Mesa Sec G Blk 96A Lot 7 (Costilla Schedule No. 71229590)**  
**White Horse Mesa Sec G Blk 96A Lot 8 (Costilla Schedule No. 71229600)**  
**White Horse Mesa Sec G Blk 96A Lot 9 (Costilla Schedule No. 71229610)**  
**White Horse Mesa Sec G Blk 96A Lot 10 (Costilla Schedule No. 71229620)**  
**White Horse Mesa Sec G Blk 95A Lot 37 (Costilla Schedule No. 71229340)**  
**White Horse Mesa Sec G Blk 100 Lot 33 (Costilla Schedule No. 71230700)**

Respondent assigned the following values to the subject properties:

Schedule No. 71229590	\$43,000.00 land
Schedule No. 71229600	\$43,704.00 land
Schedule No. 71229610	\$66,265.00 land and improvements
Schedule No. 71229620	\$48,695.00 land and improvements
Schedule No. 71229340	\$43,000.00 land
Schedule No. 71230700	\$43,000.00 land

The parties stipulated to the assigned values on Schedule Nos. 71229590, 71229600, 71229610, and 71229620; all of the parcels are subject to the residential assessment rate of 7.96%. The Board agrees with the stipulation.

The two remaining lots, Lots 33 and 37 located in Section G Block 100 and 95A of White Horse Mesa Subdivision, are to be decided by this Board. Lot 33 is 1.33 acres and Lot 37 is 1.18 acres.

Petitioner presented a Costilla County Assessor's list of 14 qualified sales in Section G of White Horse Mesa Subdivision and derived a median of \$46,421.00. Petitioner presented a second list from the Costilla County Assessor of 21 qualified sales and derived a median of \$38,019.00. The Assessor's list of qualified and unqualified sales within all of White Horse Mesa Subdivision derived a median \$26,186.00 per lot.

Petitioner believes that all of the sales, qualified and unqualified sales, should be used in valuing the subject property for tax year 2007.

Petitioner is requesting a 2007 actual value of \$26,186.00 per lot for the subject properties.

Respondent presented an indicated value of \$45,000.00 for each lot of the subject properties based on the market approach.

Respondent's witness testified that she used five comparable sales ranging in sales price from \$45,000.00 to \$65,000.00 and in size from 1.03 to 2.12 acres to value the subject properties. Sales were adjusted for size.

Respondent assigned an actual value of \$43,000.00 per lot to the subject properties for tax year 2007.

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

All real property in Colorado is valued using the market, cost, and income approaches to value. CRS § 39-1-103(5)(a). The cost approach is not appropriate for the subject properties because they are vacant land; since the subject properties are not income producing, the income approach is also not appropriate. Therefore the value of the subject properties should be determined using the market approach. The market approach considers confirmed, arm's-length sales of comparable properties. *See 3 Assessor's Reference Library: Land Valuation Manual 3.6-3.9 (2006)*. For tax year 2007, these sales should occur during the data gathering period from January 1, 2005 through June 30, 2006. *See CRS § 39-1-104(10.2)(d)*.

Respondent's qualified sales were confirmed, arm's-length transactions. Due to the qualified sales activity in the White Horse Mesa Subdivision and within Section G, the Board agrees with the assigned valuation on Lots 33 and 37 of \$43,000.00 per lot.

**ORDER:**

Respondent is ordered to value the subject properties as follows:

Schedule No. 71229590 \$43,000.00 land  
Schedule No. 71229600 \$43,704.00 land  
Schedule No. 71229610 \$66,265.00 land and improvements  
Schedule No. 71229620 \$48,695.00 land and improvements

All of the above parcels are subject to the residential assessment rate of 7.96%.

The petitions for Schedule Nos. 71229340 and 71230700 are denied.

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 18<sup>th</sup> day of September 2008.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach  
Debra A. Baumbach

Diane M. DeVries  
Diane M. DeVries

This decision was put on the record

**SEP 18 2008**

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

Heather Flannery  
Heather Flannery

