

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>DELOS D. KEECH TRUST,</p> <p>v.</p> <p>Respondent:</p> <p>PARK COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 49249</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on November 21, 2008 Diane M. DeVries and Debra A. Baumbach presiding. Delos D. Keech appeared pro se. Respondent was represented by Herbert C. Phillips, Esq. Petitioner is protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**163 Magpie Lane, Bailey, Colorado
(Jefferson County Schedule No. R0016867)**

The subject property is a log cabin originally constructed in 1939. There were some improvements done in 1989 for an adjusted year built of 1964. There is 550 square feet of above grade living area with a finished basement area of 550 square feet. The subject is located within the Burland Ranchettes area and is situated on a 1.1 acre parcel.

Based on the market approach, Petitioner presented an indicated value of \$125,000.00 for the subject property.

Petitioner presented three comparable sales ranging in sales price from \$137,900.00 to \$148,320.00 and in size from 720 to 935 square feet. No adjustments were made to any of the sales.

Mr. Keech testified Respondent has overvalued the subject property and did not consider all the factors affecting the property. The log cabin was moved from a previous location in pieces to the present site. The cabin consists of a 22 by 25 foot structure constructed of 8 inch old logs with some logs that have dry rot. The roof is comprised of asphalt shingles and there is no natural gas to the dwelling. There is no garage or fireplace and the structure is only heated by a wood burning stove. There is only one bedroom, bathroom, kitchen, and living room area. The well is considered to function marginally and there is a septic tank. The only work that has been done on the property is any deferred maintenance and basement finish.

Petitioner contends the comparable sales used by Respondent to value the subject are all superior to the subject in size, style, quality, construction, and appeal.

Petitioner is requesting a 2007 actual value of \$125,000.00 for the subject property.

Respondent presented an indicated value of \$156,899.00 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sales price from \$146,796.00 to \$214,000.00 and in size from 529 to 780 square feet. After adjustments the sales ranged from \$175,925.00 to \$195,305.00.

Ms. Judith Cavagnetto, Appraiser Coordinator with Park County Assessor's Office, testified she is responsible for appraisal oversight. The comparable sales utilized were based on location, style, quality, and appeal. Adjustments were made for all differences in physical characteristics. The time adjustment was based on a time period of four years and 1,000 sales that took place in the market area.

Regarding the comparable sales presented by Petitioner, Ms. Cavagnetto testified they did not have basements, therefore they were considered unsuitable for comparables. The assigned value is well supported by Respondent's sales.

Respondent assigned an actual value of \$156,899.00 to the subject property for tax year 2007.

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

The Board concluded that Respondent's sales were considered to be more similar than those used by Petitioner. However, the Board was not convinced by the evidence or testimony that the adjustments made by Respondent for time were supported in the market. The Board heard testimony that Respondent relied on a four year study period due to the lack of sufficient sales to determine the adjustment. A time adjustment is made to support appreciation in the market; however, the Board believes, due to the lack of sales and the study period used, that no adjustment was warranted.

The Board also reviewed the sales presented by Petitioner, and applied Respondent's adjustments with the exception of time. Respondent's assigned value is within the Board's concluded value range. Therefore, the Board does not agree that any further reduction is warranted. The assigned value is well below Respondent's indicated value, even with the removal of the time adjustment, and takes into consideration any factors affecting the subject property.

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 26th day of November 2008.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach
Debra A. Baumbach

Diane M. DeVries
Diane M. DeVries

This decision was put on the record

NOV 26 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

