

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>ANDREW N. AND DONNA A. CHILDERS,</p> <p>v.</p> <p>Respondent:</p> <p>CHAFFEE COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 51725</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on July 22, 2010, James R. Meurer and Lyle D. Hansen presiding. Petitioners appeared pro se. Respondent was represented by Jennifer A. Davis, Esq. Petitioners are protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**30036 Creek Run, Buena Vista, Colorado
(Chaffee County Schedule No. R326903300200)**

The subject property consists of a good quality two-story stucco and frame single-family residence containing 2,336 square feet of gross living area on the main floor and 1,273 square feet of gross living area in a walkout basement of which 735 square feet is unfinished. The residence has a total of three bedrooms and one and one-half baths on the main level and a total of two bedrooms and two bathrooms on the lower level. The residence has a two-car built-in garage, two fireplaces and a large wood deck. The residence is situated on a 1.74-acre site.

Mr. Childers testified that their property is located in the Game Trail residential subdivision located northwest of Buena Vista. The residents in this subdivision own their water system, maintain their streets and pay for their garbage service. Their fire protection comes from Buena Vista and there is one patrol car to cover their subdivision. Mr. Childers testified that the comparable properties used by the Chaffee County Assessor were outside of the subject market area and were not comparable to his residence.

Based on the market approach from an appraisal accomplished by Ken Eigsti, a Colorado Licensed Appraiser, Petitioners presented an indicated value of \$550,000.00 for the subject property.

Petitioners' appraiser, Mr. Ken Eigsti, presented three comparable sales ranging in sales price from \$530,000.00 to \$670,000.00 and in size from 1,760 to 2,370 square feet. After adjustments were made, the sales ranged from \$540,040.00 to \$675,460.00. Comparable Sale 1 was located in the subject neighborhood. Comparable Sales 2 and 3 were located in competing Subdivisions 3 and 4, miles away from the subject. Mr. Eigsti testified in his appraisal that the distance between the subject and the comparable sales was within an acceptable range and that they represent comparable neighborhoods.

Petitioners are requesting a 2009 actual value of \$600,000.00 for the subject property.

Respondent presented value of \$740,000.00 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sales price from \$667,500.00 to \$837,500.00 and in size from 1,390 to 2,162 square feet. After adjustments were made, the sales ranged from \$716,409.00 to \$811,030.00.

Respondent's appraiser, Mr. Daren Williams, utilized a comparable sale across the street from the subject as Comparable Sale 1. Comparable Sales 2 and 3 were located in competing Subdivisions 6 and 12, miles away from the subject.

Respondent assigned an actual value of \$794,403.00 to the subject property for tax year 2009. At the hearing, Respondent recommended a reduction of the assigned value to \$740,000.00 for 2009.

Sufficient probative evidence and testimony was presented to prove that the subject property was incorrectly valued for tax year 2009.

Both Petitioners' appraiser and Respondent's appraiser utilized one comparable sale from the subject's neighborhood. Petitioners' appraiser utilized a comparable sale at 30346 Aspen Turn that sold for \$540,000.00 and after adjustment resulted in an adjusted sale price of \$540,040.00. Respondent's appraiser utilized a comparable sale at 30034 Creek Run that sold for \$667,500.00 and after adjustment resulted in an adjusted sale price of \$735,653.00. The Board concluded that Petitioners' comparable sale should be adjusted upward for inferior quality and appeal and upward for a walkout basement. The adjusted sale price concluded by the Board for Petitioners' comparable sale was \$594,040.00. The Board concluded that Respondent's comparable sale should not be adjusted upward for inferior quality and appeal. The Board concluded that the adjusted sale price for Respondent's comparable sale was \$718,965.00. The Board concluded a value of \$656,000.00 for the subject property.

The Board concluded that the 2009 actual value of the subject property should be reduced to \$656,000.00.

ORDER:

Respondent is ordered to reduce the 2009 actual value of the subject property to \$656,000.00.

The Chaffee County Assessor is directed to change their 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 Section 24-4-106(11), C.R.S. (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 Section 24-4-106(11), C.R.S. (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).

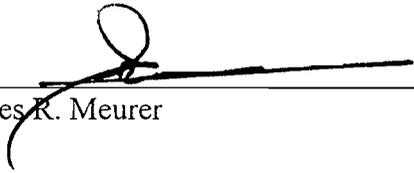
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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.

Section 39-8-108(2), C.R.S.

DATED and MAILED this 13th day of October 2010.

BOARD OF ASSESSMENT APPEALS


James R. Meurer


Lyle D. Hansen

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


Amy Bruins

