

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioners:</p> <p>LUCILLE BARELA,</p> <p>v.</p> <p>Respondent:</p> <p>FREMONT COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No. 51784</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on August 4, 2010, Diane D. DeVries and James R. Meurer presiding. Petitioner, Ms. Lucille Barela was represented by her husband, Mr. Barela. Respondent was represented by Brenda Jackson, Esq.. Petitioner is protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**Lots 13, 14, 15, & 16, Block 2, United Oil 1st Addition
Florence, Colorado
(Fremont County Schedule Nos. 61003690 & 61003730)**

The property consists of a four parcels of land located at the intersection of Main and Robinson St. in Florence, CO. Each of the four parcels is 25' in width and 140' in depth totaling 14,000 square for the combined parcel. The parcel is zoned for commercial, residential, or residential support uses, has not contained any structures since 1995, and is the last vacant parcel in the downtown Florence market. The intersection Main and Robinson St. is signaled and has high visibility in downtown Florence.

Petitioner presented an indicated value of \$11,200.00 for the subject property.

Petitioner presented no sales during the extended study period and based Petitioner's opinion of value on poor economic conditions. Petitioner stated that the comparable sales used by Respondent in its analysis did not accurately reflect the true value of the property and indicated that the parcel had been listed for sale for \$200,000.00

Respondent's witness, Ms. Stacy Siefert, concurred that no sales had taken place during the study period; however, she referenced four sales that took place in 2002, 2004, and 2005. These sales ranged from \$2.79 to \$8.79 per square foot. No adjustments to the sales were provided; however, Ms. Siefert testified that her opinion of value of \$3.50 per square foot or \$49,000.00 was supported by these older sales. Ms. Siefert further testified that the previous lower actual value for the property was a result of an incorrect assessment code rather than a market study.

Respondent assigned an actual value of \$49,000.00 to the subject property (combined four lots) for tax year 2009.

Petitioner did not present sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2009. The Board bases this conclusion on the fact that no sales or other supporting evidence were submitted by Petitioner as foundation for the opinion of value.

After careful consideration of the testimony and exhibits presented in the hearing, the Board concludes that Respondent's assigned value accurately reflects a reasonable market value for the subject.

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 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.

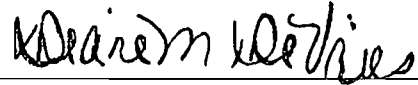
If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county,

Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

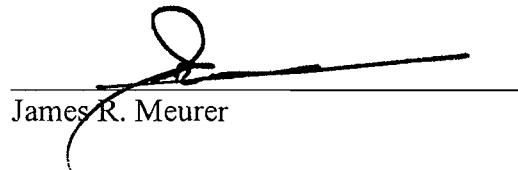
Section 39-8-108(2), C.R.S.

DATED and MAILED this 13th day of October 2010.

BOARD OF ASSESSMENT APPEALS



Diane D. DeVries



James R. Meurer

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



Amy Bruins

