

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**
1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 51795

Petitioner:

LUKE AND JOSEPH C. TOOKER,

v.

Respondent:

CHAFFEE COUNTY BOARD OF EQUALIZATION.

ORDER

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

PROPERTY DESCRIPTION:

Subject property is described as follows:

**7180 County Road 178, Salida, Colorado
(Chaffee County Schedule No. R368129300108)**

The subject property consists of a two-level, modular, single-family residence containing a total of 2,052 square feet of gross living area on both levels. The residence has a total of four bedrooms and two bathrooms. The residence has a total of 1,377 square feet of gross living area in the walkout basement. The basement area has a total of two rooms and a three-quarter bath. There is a two-car basement garage and a wood deck. The residence is situated on a 1.34 acre lot.

Mr. Joseph C. Tooker testified that Respondent has no support for the value increase, that the appraiser's adjustments were in error, that Chaffee County placed a value on the subject in 2006 of \$239,600.00, that there are few comparable sales in the county in 2007, that property values have substantially declined and that the land value placed on the subject by the county is too high.

Petitioners presented an indicated value of \$240,000.00 for the subject property. Petitioners did not present an appraisal on the property.

Petitioners presented three comparable sales ranging in sales price from \$225,000.00 to \$249,800.00 and in size from 1,526 to 2,046 square feet. Petitioners accomplished no adjustments to derive an adjusted sales range.

Petitioners are requesting a 2009 actual value of \$240,000.00 for the subject property.

Respondent presented a value of \$310,000.00 for the subject property based on the market approach.

Respondent's counsel, Ms. Jennifer Davis, in her opening statement, indicated that by using Chaffee County Assessor's formula for a time adjustment, the \$240,000.00 initial purchase price of the subject on June 30, 2006 would adjust to a value of \$272,256.00.

Respondent presented four comparable sales ranging in sales price from \$250,000.00 to \$359,600.00 and in size from 1,526 to 2,094 square feet. After adjustments were made, the sales ranged from \$294,512.00 to \$346,268.00. Chaffee County's appraiser, Mr. Daren Williams, placed the most weight upon Comparable Sales 1 and 2 that had an adjusted sale price range of \$294,512.00 to \$325,523.00 and concluded an appraised value of \$310,000.00.

Respondent assigned an actual value of \$268,441.00 to the subject property for tax year 2009.

Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2009. The Board placed greater weight upon Respondent's value conclusion. Respondent's appraiser utilized four comparable sales in his valuation analysis that incorporated appropriate adjustments to derive an adjusted sale price range.

After 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.

Relative to equalization with other properties, by state statute the Board must value residential property using the market approach to appraisal that considers sales of comparable properties. The Board can consider an equalization argument as support for value once value for the equalization comparables has been supported using the required approaches to value.

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).

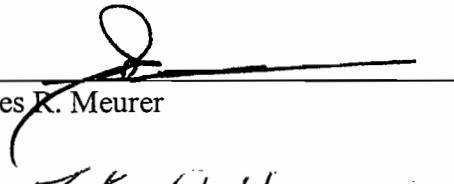
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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.

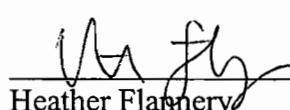
DATED and MAILED this 31st day of August 2010.

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.


Heather Flannery

