

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>NARESH SADHNANI</p> <p>v.</p> <p>Respondent:</p> <p>HUERFANO COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 51804</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on July 21, 2010, Lyle D. Hansen and James R. Meurer presiding. Petitioner, Mr. Naresh Sadhnani appeared pro se by phone. Respondent was represented by Garrett Sheldon, Esq. Petitioner is protesting the 2009 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**Lot 42, Panadero Development Filing No. 1
Huerfano County, Colorado
(Huerfano County Schedule No. 39591)**

The property consists of a residential lot located in the Panadero Subdivision of Huerfano County. The corner wooded lot contains 24,263 square feet or 0.56 acres, is accessed via a private gravel road, and utilities consist of electric service. Panadero Subdivision does have a homeowner’s association. The lot was purchased in 2002 by Mr. Sadhnani with the intent to build a house and subsequently was listed for sale. The most recent list price for the lot is \$44,500.00.

Mr. Sadhnani testified that the comparables used by Respondent in their analysis did not accurately reflect the value of the subject, especially considering that no water and sewer tap fees for the lot had been paid, that the lot suffered from drainage issues, and that other lots in the

subdivision were given a lower value by the County. No appraisal or market sales were provided by Petitioner.

Petitioner is requesting a 2009 actual value of \$44,500.00 for the subject property based on the purported extraordinary drainage issues, the lack of water and sewer taps, the most recent listing price of the subject, and equalization with other lots in the subdivision.

Respondent's witness, Mr. Nelson Holmes did not present a property specific appraisal and relied on mass appraisal plus supplemental information and a physical inspection to provide an opinion of the market value for the subject lot. Mr. Holmes testified that the comparable sales used in the mass appraisal process were appropriate. Mr. Holmes further testified that a 14% negative adjustment was applied to these sales for what he believed was the drainage issue.

Respondent assigned an actual value of \$70,945.00 to the subject property 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 within the base period were submitted by Petitioner to support the opinion of value. Relative to equalization with other properties, by state statute the Board must value real property using the market, cost, and income approaches to appraisal. Since the subject property is vacant land which does not produce income, the appropriate approach to value would be the market approach which 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.

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.

The Board received Petitioner's motion to reopen the hearing on August 4, 2010. The Board did not receive a response from Respondent. In making the determination outlined above, the Board gave no weight to Respondent's Exhibit F or the testimony presented by Respondent's witness regarding Exhibit F. Therefore, Petitioner's request to reopen the hearing is denied.

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).

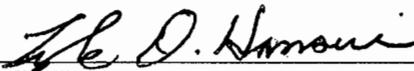
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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 August 2010.

BOARD OF ASSESSMENT APPEALS

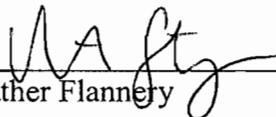


Lyle D. Hansen



James R. Meurer

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



Heather Flannery

