

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>PAUL FAMILY TRUST,</p> <p>v.</p> <p>Respondent:</p> <p>ARCHULETA COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 55297</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on November 5, 2010, Louesa Maricle and MaryKay Kelley presiding. Laurie Paul represented the trust. Respondent was represented by Todd M. Starr, Esq. Petitioner is protesting the 2009 actual value of the subject property.

Docket numbers 55296, 55297, 55298 and 55299 were consolidated for purposes of the hearing.

Subject property is described as follows:

**14131 County Road 326, Pagosa Springs, Colorado
Archuleta County Schedule No. 5705-204-00-010**

The subject property is a 1,710 square foot residence with garage built in 1964 on a 10.378-acre site with electric service, well, and septic. It is located in the Majestic Mountain Subdivision approximately 15 miles east of Pagosa Springs. Interior roads are gravel, and an estimated half of the subdivision's thirty-six lots are improved.

Petitioner is requesting an actual value of \$461,525.00 for the subject property for tax year 2009. Respondent assigned a value of \$577,160.00 for the subject property but is recommending a reduction to \$515,000.00.

Ms. Paul described the area as remote wilderness at 8,800 feet with severe winters and difficult access due to heavy snows, rutted roads, and six-foot berms created by snowplows. There is no fire protection, and emergencies require rescue by helicopter. Ms. Paul argued that year-round use is not physically possible and that, accordingly, one criterion for highest and best use has not been met.

Ms. Paul presented one comparable lot sale, a vacant forty-acre parcel, selling on January 10, 2007 for \$1,100,000.00 or \$27,500.00 per acre. She multiplied the value per acre by the subject's 10.378 acres to conclude to a value of \$285,395.00. She estimated the value of the 1,710 square foot residence to be at \$103.00 per square foot or \$176,130.00. No support was provided for the improvement value, and the value did not include an allocation for the detached garage or storage shed. A total estimated value of \$461,525.00 was concluded.

Respondent presented a value of \$515,000.00 for the subject property based on the market approach. Mr. Robert G. Randolph, Licensed Appraiser, presented three comparable sales ranging in sales price from \$397,700.00 to \$642,000.00 and in size from 1,250 to 2,416 square feet. After adjustments, the sales ranged from \$513,700.00 to \$582,000.00.

Mr. Randolph compared the subdivision favorably in comparison to others in the area. He confirmed the subdivision's elevation and winter weather but disagreed that year-round occupancy is not possible. He agreed that snowplows create berms and confirmed their existence in all mountain communities. He testified that the subject's proximity to Pagosa Springs offers accessibility to services and amenities, yet its distance from the town offers privacy, both of which carry marketability and value.

Sufficient probative evidence and testimony was presented to prove that the subject property should be set at Respondent's recommended value.

Petitioner addressed the subject land and improvements as independent of one another. This process does not conform to appraisal methodology, which requires that an improved property should be valued as an integral unit. Little weight is given to Petitioner's approach.

The Board relies on the comparable sales presented by Respondent. No comparable sales reflecting improvements were provided by Petitioner.

The Board is convinced that the subject subdivision is typical of mountain communities and that year-round occupancy is possible. The highest and best use for the subject property is residential.

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.

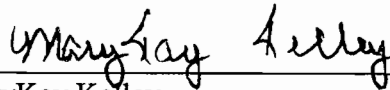
Section 39-8-108(2), C.R.S.

DATED and MAILED this 19 day of November 2010.

BOARD OF ASSESSMENT APPEALS




Louesa Maricle



MaryKay Kelley

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


Amy Brujns