

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>GARY A. OVIATT,</p> <p>v.</p> <p>Respondent:</p> <p>PARK COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 56176</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on April 14, 2011, Debra A. Baumbach and Lyle D. Hansen presiding. Petitioner, Mr. Gary A. Oviatt, appeared pro se on behalf of Petitioners. Respondent was represented by Marcus McAskin, Esq. Petitioners are protesting the 2010 actual value of the subject property.

Subject property is described as follows:

**111 North Drive, Alma, Colorado
Park County Schedule No. R0012609**

The subject property consists of a vacant residential lot containing a total of 0.34 acres. The lot is located in the Key Placer Trailer subdivision. The lot has public access and is covered with native trees and vegetation. The lot has flat topography. The lot has no utilities.

Petitioners are requesting an actual value of \$7,500.00 for the subject property for tax year 2010. Respondent assigned a value of \$22,756.00 for the subject property for tax year 2010.

Petitioner presented four comparable sales ranging in sale price from \$34,000.00 to \$69,000.00 and in size from 0.19 to 1.3 acres. No adjustments were accomplished. Two sales were from the Key Placer subdivision and two sales were from the Alma Forest subdivision.

Petitioner's witness, Ms. Debi O'Brien, testified that she listed the subject property for Petitioner in 2005 for \$17,000.00. The property was listed for one and one-half years resulting in no sale. Ms. O'Brien testified that the subject lot has no water, sewer or electricity and has bad roads

for access. She testified it would be difficult to place a trailer on the lot. Ms. O'Brien testified that Respondent utilized comparable sales from superior subdivisions. She testified that lot values in the Key Placer subdivision were \$71,000.00 and a single-family residence was valued by the county at \$594,000.00. She testified that lot values in the Alma Forest subdivision were \$70,000.00 and that newer single-family residences were constructed in that neighborhood. Her testimony indicated that the subject lot value would be below \$10,000.00.

Petitioner, Mr. Gary Oviatt, testified that it would cost \$3,000.00 for electrical service and that the lot size is too small to accommodate a new residence along with a well and a septic system. He testified that his property is a non-buildable lot and has no value. He objected to Respondent's appraiser using comparable sales with lot size over one acre when his property is only 0.34 acres.

Petitioner is requesting a 2010 actual value of \$7,500.00 for the subject property.

Respondent presented a value of \$22,756.00 for the subject property based on the market approach.

Respondent's appraiser, Ms. Angela Kanack, presented six comparable sales ranging in sale price from \$34,000.00 to \$74,000.00 and in size from 0.21 to 1.3 acres. After adjustments were made, the sales ranged from \$19,121.00 to \$34,520.00. Ms. Kanack accomplished a time adjustment for each comparable sale at 1.16% per month. She accomplished adjustments for differences between the subject and the comparable sales for subdivision location and for lot size.

Respondent assigned an actual value of \$22,756.00 to the subject property for tax year 2010.

Sufficient probative evidence and testimony was presented to prove that the subject property was incorrectly valued for tax year 2010.

The Board gave minimal weight to Ms. Kanack's sizable adjustment for location on Comparable Sales 4, 5 and 6. The Board placed greater reliability upon Ms. Kanack's Comparable Sales 1, 2, and 3 because of the similarity in subdivision location, tree cover, view amenity, lot area and lot access. The Board concluded a value in the lower portion of the adjusted sale prices from these three comparable sales to recognize increased costs for installation of a well and septic system.

The Board concluded that the 2010 actual value of the subject property should be reduced to \$19,121.00.

ORDER:

Respondent is ordered to reduce the 2010 actual value of the subject property to \$19,121.00

The Park County Assessor is directed to change his/her records accordingly.

APPEAL:

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 22 day of April 2011.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach

Debra A. Baumbach

Lyle D. Hansen

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

Amy Bruins

