

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>BEVERLY M. WHEELER,</p> <p>v.</p> <p>Respondent:</p> <p>GILPIN COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 57774</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on November 9, 2011, Louesa Maricle and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by James Petrock, Esq. Petitioner is protesting the 2011 actual value of the subject property.

Subject property is described as follows:

Wheeler Lot 03A	0.68 acre	Schedule No. R009702
Wheeler Lot 004	1 acre	Schedule No. R005703
Mountain Meadows Lot 004	0.96 acre	Schedule No. R009699
Mountain Meadows Lot 005	0.83 acre	Schedule No. R009698
Mountain Meadows Lot 006A	0.8 acre	Schedule No. R009697

The subject property consists of five vacant residential lots in the Wheeler and Mountain Meadows Subdivisions, which are located approximately fifty miles west of Denver via Highway 119. All five lots are treed and gently sloped, and all have level building envelopes and access to electrical power.

Petitioner is requesting an actual value of \$25,000.00 for Wheeler Lot 004 and \$20,000.00 each for the remaining four. Respondent assigned a value of \$35,000.00 for each of the five lots.

Ms. Wheeler presented three comparable sales: Mountain Meadows Lot 3A (Lot 3A and Parcel 39B pre-transaction), which sold as one 2.11-acre unit for \$35,000.00 on November 26, 2007 (Parcel 39B, not a building site, provided access from the road); Carter's Subdivision Lot 36 (0.56

acre), which sold on March 26, 2009 for \$11,600.00; and Lots 80 and 81 Carter's Addition to Gilpin Gardens #2 (4.14 acres), which sold as one unit on August 31, 2009 for \$55,000.00.

Ms. Wheeler addressed Respondent's comparable sales: all occurred in 2006 and 2007, years before the base period; some of the subject lots' steeper terrain will require higher construction costs and should have been adjusted; some of the subject lots fronted moderately-traveled roads and should have been adjusted; Respondent did not assign value to Sale 1's septic system, which was installed in the 1990's; and Sales 4 and 5 were located in the Chula Vista Subdivision, which carries higher values due to larger, superior improvements and mountain views.

Respondent presented a value of \$35,000.00 for each of the subject lots based on mass appraisal. Respondent's witness, David Kurronen, Licensed Appraiser, presented five comparable sales ranging in sale price from \$31,000.00 to \$55,000.00 and in size from 0.71 acre to 1.21 acres. No quantitative adjustments were made to the sales.

Mr. Kurronen described all lots in the subject subdivisions as similarly sloped and treed and stated that none of the subject lots were negatively impacted by steepness, traffic, or the anticipation of increased building costs.

Mr. Kurronen discussed the scarcity of comparable sales during the base period and referenced statutory directives to expand his search to 54 months. He also argued that a time analysis failed to justify time trending adjustments.

Mr. Kurronen testified that Sale 1's septic system, installed in the 1990's, carried no value because of its age and non-conformance to standards that would require rebuilding.

Mr. Kurronen declined to use Petitioner's Mountain Meadows Lot 3A sale because the transaction involved two schedule numbers and he considered it an assemblage. He declined to use Petitioner's Carter's Subdivision Lot 36 and Carter's Addition Lots 80 and 81 sales because these subdivisions are inferior (smaller lots and lower-quality improvements with many smaller, seasonal cabins).

The Board is persuaded that Respondent's Sales 1, 2 and 3, located in the subject subdivisions, are most indicative of value. However, it is convinced that adjustments should have been made for differences in lot size, which affects value (larger sites offer greater privacy and utility); Respondent's mass appraisal failed to address this issue. The sale prices of these three sites suggest an estimated \$15,000.00 for a three-quarter-acre difference (Sale 1 versus Sales 2 and 3). Respondent's witness testified that a 25% adjustment for a three-quarter-acre difference in size would be appropriate in a site-specific appraisal, thus supporting application of a \$15,000.00 adjustment.

The Board finds that Respondent's Sale 1 (0.73 acre) is similar in size to Petitioner's Wheeler Lot 03A (0.68 acre), Mountain Meadows Lot 005 (0.83 acre), and Mountain Meadows Lot 006A (0.80 acre). A value of \$38,500.00 is indicated for each of these subject sites.

The Board finds that Respondent's Sales 2 (1.51 acres) and 3 (1.6 acres) are approximately a half acre larger than Petitioner's Mountain Meadows Lot 004 (0.96 acre) and Wheeler Lot 004 (1.0 acre). A negative size adjustment of \$10,000.00 is made to Respondent's Sales 2 and 3, and a value of \$44,500.00 for each of the subject lots is indicated.

The Board understands Petitioner's comments regarding Respondent's use of older sales yet acknowledges the scarcity of sales data during the base period. Respondent's search for pre-base-period sales is appropriate.

The Board is convinced that sites in the Wheeler and Mountain Meadows Subdivisions are similarly treed with sloping and rolling terrain and without traffic influence or additional building costs. No additional adjustments to Respondent's comparable sales are deemed appropriate for site amenities.

The Board is persuaded that Respondent's Sale 1's septic system carries no market value. The modification cost to meet current standards is considerable, and the typical purchaser would not likely pay for a septic system requiring expensive modification.

The Board finds that Petitioner's Mountain Meadows 3A (\$35,000.00) is a valid sale. It was marketed as a single site despite its two original schedule numbers and is not considered an assemblage. Its size (2.11 acres) might warrant a size adjustment, but the additional acreage reportedly includes a draw and offers no additional utility other than access. While a size adjustment would result in a considerably lower value, this sale is not considered more indicative of the market than Respondent's three sales.

The Board gives little weight to Petitioner's Carter's Subdivision Lot 36 sale. It is considerably smaller than Respondent's sales (0.56 acre) and is reportedly located in an inferior subdivision consisting mainly of summer cabins.

The Board gives no weight to Petitioner's sale (Lots 80 and 81 Carter's Addition to Gilpin Gardens #2). This sale appears to be an assemblage located in a reportedly inferior subdivision consisting mainly of summer cabins.

Petitioner failed to provide convincing probative evidence supporting a value lower than that assigned.

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 22nd day of November, 2011.



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.

Milla Crichton