

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>ROGER & JULIA SEAT,</p> <p>v.</p> <p>Respondent:</p> <p>LARIMER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 57918</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on March 12, 2012, Amy Williams and Debra A. Baumbach presiding. Mr. Roger G. Seat appeared pro se on behalf of Petitioners. Respondent was represented by Ms. Linda K. Connors, Esq. Petitioners are protesting the 2011 actual value of the subject property.

Subject property is described as follows:

**2537 Brehm Rd, Berthoud, Colorado 80513
Larimer County Schedule No. R0489107**

The subject is a 1,817 square foot ranch style residence originally constructed in 1985. In 1999, there was a 26% remodel changing the adjusted year built to 1989. There are three bedrooms, two full bathrooms and an unfinished basement area consisting of 1,363 square feet. There is a detached garage consisting of 768 square feet and additional outbuildings including; pole barn, shed and hay barn. The land area consists of approximately 7.75 acres classified as agricultural.

Petitioners are requesting an actual value of \$120,823.00 for the subject property for tax year 2011; and Respondent has assigned an actual value of \$226,140.00 for tax year 2011 but is recommending a reduction to \$224,100.00.

Mr. Seat presented an indicated value of \$120,823.00 based on the value that Respondent assigned to his neighbor's property. Mr. Seat believes that his property has not been valued equitably with other properties in the subject's neighborhood and that Respondent has failed to follow state statutes and guidelines in the valuation process. Mr. Seat did not present any

comparable sales for consideration and stated that according to state statute he only had the burden of proving that Respondent's valuation was in error.

Mr. Seat testified that Respondent used sales to value the subject property from a superior market area with higher value ranges. The adjustments that were used in Respondent's valuation were derived from these superior sales indicating a higher value for the subject property. Mr. Seat argued that Respondent failed to consider the market and income approaches when valuing his out buildings and failed to provide him with cost and depreciation tables that were used in Respondent's analysis.

Mr. Seat further argued that Respondent has presented a different value for the subject property at every level of the appeal process. Mr. Seat believes that this inconsistency only supports his opinion that the valuation process used by Respondent is flawed. His property has agricultural classification and his valuation is much higher than other properties in the area with residential classification.

Mr. Seat testified that he has been confused and frustrated in his attempts to obtain data and information regarding the valuation process used at all previous levels of the appeal process.

Petitioners are requesting a 2011 actual value of \$120,823.00 for the subject property.

Respondent presented an indicated value of \$224,100.00 for the subject property based on the market approach.

Respondent's witness, Ms. Kathy Thornton with Larimer County Assessor's Office, presented an indicated value of \$224,100.00 based on the market approach. Ms. Thornton presented four comparable sales ranging in sales price from \$295,000.00 to 390,000.00 and in size from 1,352 to 2,245 square feet. After adjustments, the sales ranged from \$172,075.00 to \$294,333.00.

Ms. Thornton testified that the comparable sales are located in the same market areas as the subject and range from 0.4 to 6.5 miles in proximity to the subject. All of the sales were considered to be the most similar to the subject in location, size, style and market appeal. The comparable sales reflect the same market conditions and the adjustments made for differences were derived from the actual four sales used and not from any sales located in other market areas.

All of the comparable sales are classified as residential and the subject is classified as agricultural. The methodology used by Respondent extracted the land value and out buildings to isolate an improvement value. Adjustments were made only to the improvement values for differences in physical characteristics. The value of out buildings and agricultural land was added back to the improvement value for a total value for each of the sales.

Ms. Thornton testified that the out buildings were valued using Marshall & Swift Cost Services and depreciation was based on age/life method. All factors affecting the value were addressed and adjusted for.

Ms. Thornton addressed Petitioners' confusion in the valuation process. She explained that in previous levels of appeal the subject's value was most probably based on mass appraisal methodology and not on a site specific appraisal.

Respondent assigned an actual value of \$226,140.00 but is recommending a reduction to \$224,100.00 for tax year 2011.

Respondent presented sufficient probative evidence and testimony to prove that the subject property should be reduced to \$224,100.00 for tax year 2011.

The Board sympathizes with Petitioners' frustration in the valuation process and how confusing it can be.

The Board concluded that Respondent applied appropriate guidelines in valuing the subject property. Respondent valued the subject using the market approach and made adjustments for differences based on market extraction. Respondent's comparable sales and adjustments accurately reflect the subject's market value and Respondent properly applied the appropriate methodology for valuing property with agricultural classification. The Board gave minimal consideration to Petitioners' value analysis as it was based solely on assigned values of other properties.

The Board can only consider an equalization argument as support for the value of the subject property once the subject property's value has been established using a market approach. *Arapahoe County Bd. of Equalization v. Podoll*, 935 P.2d 14, 16 (Colo. 1997). Petitioners did not present the Board with any comparable sales or other data to refute Respondent's opinion of 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 26th day of March, 2012.



BOARD OF ASSESSMENT APPEALS

A handwritten signature in cursive script, appearing to read "Amy Williams".

Amy Williams

A handwritten signature in cursive script, appearing to read "Debra A. Baumbach".

Debra A. Baumbach

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

A handwritten signature in cursive script, appearing to read "Milla Erichton".
Milla Erichton