

BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203	Docket No.: 58127
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Petitioners:	
EUGENE JANSAK AND BARBARA ORR,	
v.	
Respondent:	
FREMONT COUNTY BOARD OF EQUALIZATION.	
ORDER	

THIS MATTER was heard by the Board of Assessment Appeals on December 7, 2011, Sondra W. Mercier and Diane M. DeVries presiding. Eugene Jansak appeared pro se on behalf of Petitioners. Respondent was represented by Brenda Jackson, Esq. Petitioners are protesting the 2011 actual value of the subject property.

Subject property is described as follows:

**14395 US Highway 50, Coaldale, Colorado
Fremont County Schedule No. 99504768 and 99504769**

The subject property is 10.673 acres of residential improved property on the Arkansas River in Fremont County. The improvements include a home built in 1947 with 1,057 square feet in average condition, with 2 bedrooms and a ¾ bathroom with two car detached garage containing a loft, covered porch and patio.

Petitioners are requesting an actual value of \$310,000.00 for the subject property for tax year 2011. Respondent assigned a value of \$395,417.00 for the subject property for tax year 2011.

Petitioners presented four comparable sales ranging in sale price from \$241,500.00 to \$320,000.00 and in size from 980 to 2,074 square feet. After adjustments, the sales ranged from \$272,425.00 to \$312,050.00.

Petitioner is requesting a 2011 actual value of \$310,000.00 for the subject property with an allocation to schedule number 99504768 of \$150,000.00 and 99504769 of \$160,000.00.

Respondent presented a value of \$395,417.00 for the subject property based on the market approach. Schedule Number 99504768 is valued at \$182,774.00 and 99504769 valued at \$212,643.00 for tax year 2011.

Respondent presented six vacant land sales ranging in sale price from \$70,500.00 to \$205,000.00 and in size from 1.6 to 5.3 acres, no adjustments were made. These sales indicate a per acre market value with frontage on the Arkansas River ranging from \$32,925.00 to \$45,555.00 per acre. The Fremont County Assessor applied \$30,000.00 an acre to the vacant land and added a contributory value of \$20,774.00 to schedule 99504768 and \$50,643.00 to schedule 99504769.

Respondent assigned an actual value of \$395,417.00 to the subject property for tax year 2011.

Both parties agreed that the subject property, as of the assessment date of January 1, 2011, is a 10.8 acre residential improved property located on the Arkansas River in Fremont County. Petitioners presented comparable sales using residential improved properties while Respondent used vacant land sales and added a contributory value for the improvements.

According to Colorado Revised Statutes and Division of Property Taxation Guidelines, residential improvement property is required to be valued using the market approach to value. Section 39-1-103(5)(a), C.R.S. Proper appraisal method to value the subject property for tax year 2011 is to use residential improved sales that occurred from January 1, 2009 through June 30, 2010. Respondent did not use residential improved comparable sales but rather used vacant land sales and added a contributory value for the improvements.

Petitioners used residential improved comparable sales; however, the Board does not agree with the adjustments to Petitioners' sales. After making adjustments for Arkansas River Frontage and attributes of the subject improved parcels, the Board concludes that Respondent's 2011 assigned value of \$395,417.00 accurately reflects the 2011 actual valuation of the subject property.

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).

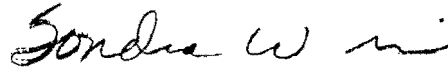
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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.

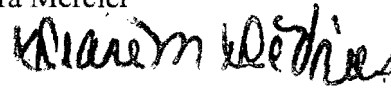
Section 39-8-108(2), C.R.S.

DATED and MAILED this 4th day of January, 2012.

BOARD OF ASSESSMENT APPEALS

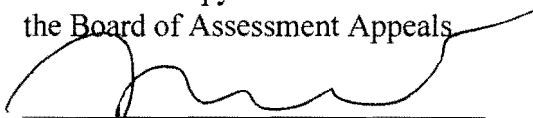


Sondra Mercier



Diane M. DeVries

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



Milla Crichton

