

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>RICHARD B. & JOANN M. QUIGLEY,</p> <p>v.</p> <p>Respondent:</p> <p>EAGLE COUNTY BOARD OF COMMISSIONERS.</p>	<p>Docket No.: 62018</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on October 22, 2013, Debra A. Baumbach and Diane M. DeVries presiding. Richard B. Quigley appeared pro se on behalf of Petitioners. Respondent was represented by Christina Hooper, Esq. Petitioners are protesting the 2012 actual value of the subject property.

Subject property is described as follows:

**1190 The Summit Trail, Cordillera, Colorado
Eagle County Schedule No. R050888**

The subject property consists of a 3.412 acre vacant residential lot in The Summit at Cordillera Subdivision.

Petitioners are requesting an actual value of \$100,000 for the subject property for tax year 2012. Respondent assigned a value of \$225,000 for the subject property for tax year 2012.

- Mr. Richard B. Quigley, Petitioner, presented six valuation approaches to the Board:
- (1) Using Cordillera Time Trend Factors
 - (2) Correction for Time Trend Factor
 - (3) Using Nearby Property Assessed Valuations
 - (4) Using Nearby Properties That Also Originally Sold Back in 1999/2000 Timeframe
 - (5) Using Eagle County Comparables
 - (6) Comparable Analysis – 6 Properties

In determining the actual value of vacant land, the Colorado statutes as well as Section 3 of Article X of the State Constitution require that “the assessing officers [shall] give appropriate consideration to the cost approach, market approach, and income approach. [. . .]” Section 39-1-103(14)(b), C.R.S.

Only one out of six valuation approaches presented by Petitioners is acceptable by law to value the subject vacant land. Specifically, Petitioners’ sixth valuation method is based on the market approach and is therefore considered by the Board. The Board gave no consideration to the remaining five approaches presented by Petitioners.

Petitioners’ sixth approach to value is the market approach to value. Using the market approach, Petitioners presented six comparable sales ranging in sale price from \$100,000 to \$245,000 and in size from 1.02 to 6.45 acres. After adjustments for acreage and location, the sales ranged from \$103,750 to \$123,750, with an average value of \$116,815. Petitioners used two comparable sales from The Divide Subdivision, two from The Ranch Subdivision and two from The Summit at Cordillera Subdivision.

Respondent presented a value of \$225,000 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sale price from \$225,000 to \$245,000 and in size from 5.561 to 7.688 acres. After adjustments were made, the sales ranged from \$224,875 to \$225,000.

Sandra L. Skiles, Certified Residential Appraiser with the Eagle County Assessor’s Office, testified that all of the comparable sales she used in her appraisal were from The Summit at Cordillera Subdivision. She stated that The Divide, The Ranch and The Summit at Cordillera all have different amenities and attributes. She adjusted the sales price for time and topography. Respondent’s comparable sales were all within the The Summit at Cordillera Subdivision and had similar attributes to that of the subject.

Respondent assigned an actual value of \$225,000 to the subject property for tax year 2012.

Petitioners presented insufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2012.

Respondent properly used the Colorado Constitution, Colorado Revised Statutes and Assessor’s Reference Library in valuing the subject property using the market approach to value.

The burden of proof is on Petitioner to show that Respondent’s valuation is incorrect. *Bd. Of Assessment Appeals v. Sampson*, 105 P.3d 198 (Colo. 2005). Petitioners used several approaches to value the subject property relying on facts and logic. The Board was not persuaded by the approaches to value used by Petitioners. All but one of the valuation approaches presented by Petitioners were not permissible approaches pursuant to the Colorado law. The Board agreed that using comparable sales within The Summit at Cordillera Subdivision was the best approach in

valuing the subject property for tax year 2012. Therefore, the Board found Respondent's evidence to be the most persuasive.

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).

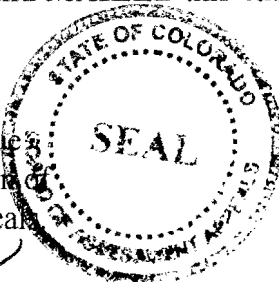
If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation for assessment of the county wherein the property is located, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provision 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 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 for assessment of the county in which the property is located, Respondent may petition the Court of Appeals for judicial review of such questions.

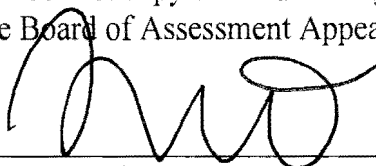
Section 39-10-114.5(2), C.R.S.

DATED and MAILED this 4th day of November, 2013.



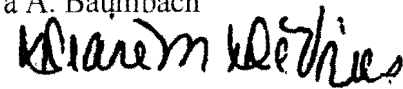
BOARD OF ASSESSMENT APPEALS

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


Milla Lishchuk



Debra A. Baumbach



Diane M. DeVries