

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>LYNNE M. GIEDD,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>JEFFERSON COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 63045</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on February 7, 2014, Diane M. DeVries and MaryKay Kelley presiding. Petitioner’s husband, Stephen Vick, appeared pro se on behalf of Petitioner. Respondent was represented by Writer Mott, Esq. Petitioner is protesting the 2013 actual value of the subject property.

Subject property is described as follows:

**42 Holmes Gulch Way, Bailey, Colorado  
Jefferson County Schedule No. 128356**

The subject is a 1,749 square-foot two story log home with a finished walk-out basement and a detached garage with a finished second floor. The home was built in 1987 on a on a twenty-acre parcel in the Park 80 West Subdivision; the site is comprised of Lots 8 (vacant) and 9 (improved), each ten acres, with the potential of being sold individually but used and valued as a single site on the assessment date.

Respondent presented an appraisal with a value conclusion of \$400,000, which supports the assigned value of \$374,100 for tax year 2013. Petitioner is requesting a value of \$322,545.

Mr. Vick described State Highway 285 as the primary road from Metropolitan Denver, running west through Jefferson County into Park County. The Park 80 West Subdivision’s primary road, Hi Meadow Drive, begins in Park County off Hwy 285 and ends just past the subject property in Jefferson County. The Park and Jefferson County line bisects the Park 80 West Subdivision.

Most services lie in Park County; fire and police, road maintenance (by agreement with Jefferson County), schools (open enrollment with bus service in Park County only), and bus service to Denver.

Mr. Vick presented a value of \$322,545 for the subject property based on the market approach. He presented three comparable sales located in an adjacent Park County subdivision. They ranged in sale price from \$212,500 to \$350,000 and in size from 1,178 to 2,056 square feet. After adjustments were made, adjusted sale prices ranged from \$272,770 to \$375,365. Mr. Vick averaged the three for his value conclusion.

Respondent presented a value of \$400,000 for the subject property based on the market approach. Respondent's witness, Loretta I. Barela, Certified Residential Appraiser, presented three Jefferson County sales ranging in sale price from \$383,000 to \$435,000 and in size from 1,440 to 2,249 square feet. After adjustments were made, the sales ranged from \$391,900 to \$405,200; she placed most weight on Sale One with an adjusted value of \$405,200.

Ms. Barela discussed Petitioner's sales, two of which she dismissed for their smaller home sizes and dissimilar styles (raised ranch and bi-level). All three were on smaller acreages. Sale Three (D) was the most similar, a log house with detached garage. Ms. Barela described an additional sale in the subject subdivision (1339 Hi Meadow Drive) that sold in September of 2011 for \$359,900; with an adjusted sale price of \$474,100, she declined it because of its smaller 2.862 acre lot.

Ms. Barela was not permitted an interior inspection. She valued the finished space above the garage as an "enclosed porch" along with the primary home's hot tub room, assigning a \$1,600 total value.

Petitioner presented insufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2013.

The Board considers Respondent's Sale One (adjusted sale price of \$405,200) to be most similar to the subject in improvement size (1,440 square feet), acreage (35,568 acres), age (1983 year built), construction type (log), and garage. Petitioner's Sale Three (adjusted sale price of \$375,365) is also given weight because of its two-story log construction, but its 2.57 acre site is considerably smaller than the subject's 20—acre site. The two sales represent Jefferson and Park Counties, both of which are similarly impacted by proximity to Hwy 285 and shared services and amenities. Both sales support the assigned value of \$374,100.

**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-nine 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-nine 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 24th day of February, 2014.

**BOARD OF ASSESSMENT APPEALS**

*Diane M DeVries*

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Diane M. DeVries

*MaryKay Kelley*

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MaryKay Kelley



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

*Milla Vishchuk*  
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Milla Vishchuk