

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**

1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 65886

Petitioner:

BARBARA K. SEELING,

v.

Respondent:

CHAFFEE COUNTY BOARD OF EQUALIZATION.

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on December 7, 2015, Diane M. DeVries and Sondra W. Mercier presiding. Petitioner's spouse, Mr. Alan Seeling, appeared on behalf of Petitioner. Respondent was represented by Jennifer Davis, Esq. Petitioner is protesting the 2015 actual value of the subject property.

Subject property is described as follows:

**29275 CR 358A, Buena Vista, Colorado
Chaffee County Schedule No. R327107300009
(Including parcel 3271073-00-010)**

The subject property consists of a 2,162-square-foot, ranch-style single family residence situated on a two-acre site. A second, adjacent two-acre lot is also included under the same schedule number and is part of this appeal. The subject is located in the Mt. Princeton View Estates.

Petitioner is requesting an actual value of \$492,000 for the subject property for tax year 2015. Respondent assigned a value of \$621,348 for the subject property for tax year 2015.

Petitioner's witness, Ms. Judee Nuechter, Certified Residential Appraiser, presented three comparable sales ranging in sale price from \$362,500 to \$667,000 and in size from 1,559 to 2,180 square feet. Ms. Nuechter valued the subject as a residence on a four-acre site. The sales occurred between February and April of 2014. Two of the sales were located less than a mile from the subject, within the same subdivision as the subject. After adjustments were made, the sales ranged

from \$491,180 to \$543,800. Ms. Nuechter concluded to a value of \$492,000 for the subject based on the market approach, which is the basis for Petitioner's requested value.

Petitioner contends that Respondent relied on older sales from a superior subdivision although there were more recent sales, located proximate to the subject, and within the same subdivision. Ms. Nuechter testified that lots in the Game Trail Subdivision were at a higher elevation, offered panoramic views, and sold at higher price levels than lots in the subject's subdivision. Ms. Nuechter assigned a value of \$140,000 to the subject's four-acre site.

Respondent presented a value of \$673,500 for the subject property based on the market approach.

Respondent's witness, Mr. Daren L. Williams with the Chaffee County Assessor's Office, presented four comparable sales ranging in sale price from \$525,000 to \$662,000 and in size from 2,012 to 2,323 square feet. The sales were located in the Game Trail Subdivision, and were approximately four to five miles from the subject. After adjustments were made, the sales ranged from \$575,172 to \$660,002. Mr. Williams first valued the subject as a residence on a two-acre site, and then added the value of the second lot. Based on the market analysis, the value of the residence on two acres was concluded at \$600,000, with an additional \$73,500 added for the second lot.

Respondent contended that sales used by Petitioner were inferior in quality to the subject, and presented photos as support. Respondent's second witness, Mr. Dean C. Russell with the Chaffee County Assessor's Office, testified that sales adjustments made by Mr. Williams for view adequately reflected the difference in location between the subject and Respondent's comparable sales. Respondent also presented evidence showing adjustments to Petitioner's first two comparable sales, which indicated adjusted values of \$583,316 and \$603,139 for the subject as a four-acre site.

Respondent assigned an actual value of \$621,348 to the subject property for tax year 2015.

Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2015. The Board was convinced that Petitioner's sales offered more comparable locational attributes; however, they were inferior in quality, and not adequately adjusted based on photos presented to the Board. At the same time, Respondent's sales were more similar to the subject in quality, but were in a superior subdivision, which the Board found was not adequately reflected in Respondent's adjustments.

Ms. Nuechter testified that Petitioner's Sale 3 was located in the Game Trail Subdivision, but the superior location was offset by the subject's larger, nearly doubled size. This sale indicated a value of \$543,800, and required the least adjustment. Also convincing were Respondent's revised adjustments to Petitioner's Sales 1 and 2, which required no adjustment for location, but received larger adjustment for construction quality. Overall, these three sales indicate a value range between \$543,800 and \$603,139. A value at the mid-point of this range is reasonable and well supported by the data and analysis provided.

The Board concluded that the 2015 actual value of the subject property should be reduced to \$575,000.

ORDER:

Respondent is ordered to reduce the 2015 actual value of the subject property to \$575,000.

The Chaffee County Assessor is directed to change his/her records accordingly.

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).

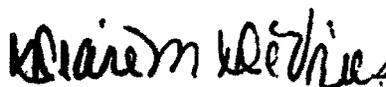
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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 22nd day of December, 2015.

BOARD OF ASSESSMENT APPEALS



Diane M. DeVries

Sondra W. Mercier

Sondra Mercier

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

Milla Lishchuk

Milla Lishchuk

