

**GUNNISON COUNTY BOARD OF EQUALIZATION
MEETING MINUTES
July 29, 2015**

The July 29, 2015 Board of Equalization meeting was held in the Commissioners' boardroom in the Courthouse located at 200 E. Virginia, Gunnison, Colorado. Present were:

Paula Swenson, Chairperson
Phil Chamberland, Commissioner
Jonathan Houck, Commissioner
David Baumgarten, County Attorney

William Spicer, Senior Analyst
Bob Blackett, Appraiser
Bre Shelton, Clerk to the Board
Alexandra Cohen, Appraiser
Kristy McFarland, County Assessor

NOTICE: The Petitioners' and Assessor's exhibits for each case are located in their individual Board of Equalization files. The target appraisal date is June 30, 2014.

CALL TO ORDER: Chairperson Swenson called the July 29, 2015 meeting of the County Board of Equalization to order at 8:33 am. Chairperson Swenson explained the roles, rights and responsibilities of the Board and the Petitioner during each hearing where a Petitioner and/or a Petitioner's representative was present, either in person or via telephone. Appeal notices were also provided to each petitioner/petitioner's agent.

**CBOE #41
Fred Benson**

Assessor's Case: Spicer described the subject property and the examples provided in the packet materials. The time adjusted sales approach, and the mass appraisal approach was explained to the petitioner. There was discussion from Spicer that, by law, an income approach cannot be used for the subject property.

Petitioner's Case: Petitioner, Benson, was present for the discussion. The petitioner did not agree with the 30% increase over the last valuation and feels this amount is a very significant increase. Benson based his comparable properties on low income properties and affordable housing. The petitioner explained that one of the subject properties was adobe construction and discussed the condition of the home. The petitioner explained that the front house was one of the first built in Gunnison and the current renters are getting a very fair deal on the rental price. Benson would like to keep the subject property in the affordable housing category and with the increase in value it would be hard to obtain if taxes increases. Benson supplied additional information about the approximate rental rates and taxes for a perfect year.

There was discussion on the age of the two homes and the quality of construction and condition. The CBOE stated that on average between 2012 and 2014, there has been a 30% increase on property values. There was discussion from the CBOE about one of the major market forces affecting this property was because there is such a limited rental market for affordable housing in Gunnison County.

Moved by Commissioner Houck, seconded by Commissioner Chamberland, to deny CBOE #41 due to the statutory requirements of the CBOE. Motion carried unanimously.

**CBOE #42
Fred Benson**

Assessor's Case: Spicer described the subject property and the examples provided in the packet materials. Spicer explained the reason for the increase in property value was because the condition had changed from below average to average and the square footage was increased from the previous inspection. This property does include an accessory dwelling.

Petitioner's Case: Petitioner, Benson, was present for the discussion. Benson stated that there had been no changes to the property since the last valuation period and questioned why it had an increase.

The CBOE clarified that the subject property did fall within the average valuations of homes in the town of Gunnison resulting in an average increase of 30% for Econ Area 1.

Moved by Commissioner Chamberland, seconded by Commissioner Houck, to deny CBOE #42 due to the statutory requirements of the CBOE. Motion carried unanimously.

**CBOE #43
Fred Benson**

Assessor's Case: Spicer described the subject property and the examples provided in the packet materials. Spicer explained that the way the Assessor determines the value of vacant land is the dollar per square foot gets smaller as the land size increases. Spicer explained if there was a

Petitioner's Case: Petitioner, Benson, was present for the discussion. Benson explained that his property was in an industrial area on South Wisconsin and his home was non-conforming. There was discussing about how the condo unit next to Benson's property are encroaching on his lot. The petitioner clarified that his property was in an industrial area of town.

The CBOE questioned the Assessor if there were any variations of examples throughout town in different areas. There was discussion that there were not many R2 comparisons for Benson's subject property. In relation, the CBOE suggested a 15% increase due to the fact that it was a unique R2 property and was in an industrial zone. The CBOE stated that the subject property would sell differently than the examples given.

Moved by Commissioner Chamberland, seconded by Commissioner Houck, to adjust the value of CBOE #43 from \$97,580 to \$83,140 and to direct the Assessor to bring back any other properties that would have the same affect. Motion carried unanimously.

**CBOE #44
Robert Williams**

Assessor's Case: Spicer described the subject property and the examples provided in the packet materials.

Petitioner's Case: Petitioner, Williams, was not present for the discussion.

The CBOE clarified that Williams' property was centrally located in town with a large lot. There

Moved by Commissioner Chamberland, seconded by Commissioner Houck, to deny CBOE #44. Motion carried unanimously.

**CBOE #45
Gary Hausler**

Assessor's Case: The Assessor's Office did not present materials for CBOE #45 due to petitioner, Hausler's decision to accept the determination of a previous petitioner in the same neighborhood.

Petitioner's Case: Petitioner, Hausler, was not present for the discussion. He clarified earlier in the week, that he would accept the determination of a petitioner with a neighboring property.

Moved by Commissioner Houck, seconded by Commissioner Chamberland, to deny CBOE #45 based on the previous discussions. Motion carried unanimously.

**CBOE #46
Stephen Brown**

Assessor's Case: Spicer described the subject property and the examples provided in the packet materials. Spicer noted, Example #3 was a bank sale. Spicer explained the time adjusted sales, and how the price was adjusted for the subject property and believes that the evidence given supports the determination of value on the subject property. Spicer explained to Brown how the net adjustments were calculated for the subject property. Spicer clarified to the Board and petitioner that the square footage of the walk out basement of the subject property, did not

hold as much value as above grade square footage. Spicer explained to Brown, his records had shown an inspection done by Appraiser Mary Mast in September, 2013.

Petitioner's Case: Petitioner, Brown, was present for the discussion. Additional information was supplied by the petitioner. There was discussion on the responsibilities of the CBOE and brought in additional information explaining an appeal process. Petitioner Brown questioned the Assessor on how the net adjustment calculation was used for his property. Brown discussed that there was a discrepancy on the Assessor's calculations compared to the calculations he figured. Brown questioned Spicer about the criteria used for selecting the particular examples. There was discussion between Brown and Cohen regarding the physical condition of the subject property and Brown believed that his property was not accurately inspected and evaluated. He stated that the comparable properties used did not relate to the subject property. Brown believed the subject property should be valued at \$1,095,000 and there should not be any net adjustments made on the property. Brown further discussed the additional comparable properties he provided. Brown stated that the condition of the home should be categorized as average condition.

The CBOE explained to Brown that individual transactions could be looked at, however the mass appraisal approach, by law, must be performed. The CBOE and the Assessor clarified that the size and age was the upward adjustment concerning the subject property. Chairperson Swenson clarified to Brown there was evidence provided by contractors and builders in addition to the Assessor's information, when referencing the condition of a property. The CBOE suggested the Assessor's Office do a physical inspection and re-visit the value of the subject property on Tuesday, August 4, 2015.

Moved by Commissioner Houck, seconded by Commissioner Chamberland, to table CBOE #46 pending an onsite inspection and reschedule for Tuesday August 4th to finalize the decision. Motion carried unanimously.

CBOE #47

Cindy Smock; Representative O'Hayre Dawson

Assessor's Case: The Assessor's office did not present any materials. CBOE #47 was rescheduled for Tuesday August 4th.

Petitioner's Case: Petitioner, O'Hayre and Smock, were present for the discussion. O'Hayre explained to the CBOE and the Assessor's Office that due to state statute, the materials were supposed to be provided three days in advance. O'Hayre requested materials from the Assessor's Office on July 22, 2015 and received materials the day of the hearing. The petitioner requested a reschedule, in order to review the data provided by the Assessor.

Moved by Commissioner Chamberland, seconded by Commissioner Houck, to table CBOE #47 to Tuesday August 4th. Motion carried unanimously.

CBOE #48

Leonard Swischuk

Assessor's Case: Blackett described the subject property and the examples provided in the packet materials. Blackett clarified there are two buildings on this property, both conventional construction. The Assessor's Office suggested adjusting the subject property to \$791,640 which is close to the amount the petitioner requested.

Petitioner's Case: Petitioner, Swischuk, was not present for the discussion.

Moved by Commissioner Houck, seconded by Commissioner Chamberland, to adjust value of CBOE #48 from \$897,390 to \$791,640. Motion carried unanimously.

CBOE #49
Ruby Mountain Ranch LLC; Jim Pike

Assessor's Case: Blackett described the subject property and the examples provided in the packet materials. Blackett explained the subject property was unique in the sense that it was a mixed-use property. Blackett explained that this transaction was transferred on a court order deed so it was not included in the sales to determine the value. At the initial appeal, the subject property was valued as commercial. After the fiscal inspection, the Assessor's Office changed the property to residential. Spicer referenced an additional example of a single family residence with similar quality as the subject property. Spicer stated the decrease of close to 15% would be an appropriate adjustment for the subject property. Spicer estimated a 25%-30% obsolescence would be an appropriate level of adjustment for the subject property.

Petitioner's Case: Petitioner, Pike, was present for the discussion. Pike explained he has owned several properties in Gunnison County and this was the first visit with the CBOE. Pike believes the value of his subject property is not accurate. Pike provided additional information of a professional appraisal and explained this information should be taken into consideration to determine the value of the property. The petitioner suggested a decrease of about 15% which would value the property at \$403,550. Pike explained that the basement should be considered a crawlspace or storage and should not be considered when determining the value.

There was discussion regarding why the majority of the subject property was considered residential and the other portion was considered commercial. The CBOE questioned the Assessor of the value per square foot of the residential square footage of the subject property compared to other comparable residential homes in Gunnison. Spicer and the CBOE clarified that the subject property's quality was considered good and the condition was considered average. There was a discrepancy on the price per square foot in regards to the condition classification of the subject property.

Moved by Commissioner Chamberland, seconded by Commissioner Houck, to adjust the value of CBOE #49 from \$621,240 to \$456,120. Motion carried unanimously.

CBOE #50
Ruby Mountain Ranch LLC; Jim Pike

Assessor's Case: Spicer described the subject property and the examples provided in the packet materials. Spicer explained the time adjusted sales model to the petitioner and demonstrated how it was used for the subject property. There was discussion from Spicer about why the mass appraisal approach for Econ Area 1 had to be used to equally value properties. Based on the mass appraisal model, Spicer explained on average the property should be valued at \$407,000. Spicer clarified the subject property was recently inspected and there were numerous photos of the interior/exterior of the home.

Petitioner's Case: Petitioner, Pike, was present for the discussion. Pike believed that the property was not accurately valued based on principle. The petitioner stated that he purchased the property for \$384,000. Pike is asking the value of the property to be valued at what it was purchased for and should not have to pay taxes on the difference. Referencing the additional appraisal information provided, Pike requested the price of the property be valued higher than the appraisal performed. Pike discussed the interior condition of the property and did not believe it should be valued at the price the Assessor's Office concluded. The petitioner strongly felt the property was not fairly assessed due to the bedroom size and condition of the interior.

Moved by Commissioner Chamberland, seconded by Commissioner Houck, to deny CBOE #50. Motion carried unanimously.

CBOE #51
Jim Pike/ Paul Pike

Assessor's Case: Cohen described the subject property and the examples provided in the packet materials. McFarland stated that the subject property was not in fact both ski in, ski out. Most of the properties that are based on the cliff have the views of East River. Spicer's opinion

regarding a property on a cliff is that people like the sloping lots because a homeowner can build a walk out basement, and the views are desirable.

Petitioner's Case: Petitioner, Pike, was present for the discussion. Pike strongly believes the property is worthless and cannot sell for the value that was determined. You can ski down from the lift but you cannot ski out. He also stated that the property hangs off a cliff and the views are facing towards Wild Horse. Pike is receptive to the value determination of the property if the Assessor's Office would conduct a physical inspection of the property. After the clarification of the easement on the property, Pike changed his determination to be at an even lower value than what he originally stated. Pike did not agree with the 75% increase of the subject lot.

There was discussion stating the classification was classified as a walk to lift property, however one must walk to the lift through an easement. Chairperson Swenson questioned if there was another classification in the area of the subject property because it was a walk to lift lot. Referencing the parcel map and the examples provided there seemed to be a size discrepancy of the lot.

Moved by Commissioner Houck, seconded by Commissioner Chamberland, to deny CBOE #51 based on the materials presented. Motion carried unanimously.

**CBOE #56
Kristen Pike**

Assessor's Case: Blackett described the subject property and the examples provided in the packet materials.

Petitioner's Case: Petitioner, Pike, was present for the discussion. Pike agreed with the information provided by Blackett, however Pike did not feel the way the property itself is structured was not taken into consideration. There are roughly 360 acres and each tract consists of 5 acres for homes to be built. Pike stated that there are no properties in Gunnison County to use as comparable properties to justify the increase the property valuation.

There was discussion on subdividing the subject property and the process it would entail. The CBOE suggested to Pike, to take this property to Arbitration because it was so unique.

Moved by Commissioner Chamberland, seconded by Commissioner Houck, to deny CBOE #56 based on the materials presented. Motion carried unanimously.

**CBOE #53
David Seltzer**

Assessor's Case: Cohen described the subject property and the examples provided in the packet materials. Cohen stated there was a downward adjustment made to the subject property of a little over \$57,000. Spicer clarified the trail easement was taken into consideration when the land was valued.

Petitioner's Case: Petitioner, Seltzer, was present for the discussion via conference call. Seltzer's main argument was because of the significant increase of the subject property in percentage terms from 2012 to 2014. Understanding the appreciation values, Seltzer did not agree with the 50% increase on the subject property. The petitioner stated the subject property was next to a well-traveled road, a Nordic track, and several hiking/biking trails that were highly used and felt this should decrease the market value.

There was discussion regarding the trail easement on the subject property. The CBOE did clarify to Seltzer that values, county wide, was increasing as an average and does not feel the subject property has been treated differently than any other properties. There was discussion regarding Econ Area 6 and how there was a steady increase in property values due to the mass appraisal approach.

Moved by Commissioner Chamberland, seconded by Commissioner Houck, to deny CBOE #53 based on the materials presented. Motion carried unanimously.

CBOE #54
Dillard Lois Dee A Trust; Thomas Miller

Assessor's Case: Spicer described the subject property and the examples provided in the packet materials. The Assessor's Office determined that the property should receive an adjustment of 15% obsolescence because it was considerably larger than the properties that were used to set the prior neighborhood adjustment.

Petitioner's Case: Petitioner, Miller, was not present for the discussion. Referencing the appeal information, the petitioner requested the subject property be valued at \$475,000 because it was not equally valued to other properties in the area.

Moved by Commissioner Chamberland, seconded by Commissioner Houck, to adjust the value from \$632,010 to \$549,340. Motion carried unanimously.

CBOE #55
Tyler Pitt

Assessor's Case: Cohen described the subject property and the examples provided in the packet materials. Cohen clarified that the subject property was physically inspected in 2014. Spicer and Cohen came to the conclusion that, more than likely, the neighboring properties were undervalued causing a significant difference of the subject property when compared to the neighboring property. Spicer researched if there were any neighborhood adjustments that would be similar to Pitt's property and the neighborhood it was located in.

Petitioner's Case: Petitioner, Pitt, was present for the discussion. Pitt believes that based on the surrounding properties to the subject property, his is not being fairly assessed. The examples provided by Pitt, are being assessed at the same rate that his property was re-assessed at. Pitt feels like his property got overlooked and does not agree with the evaluation. Pitt also stated to the CBOE and the Assessor's Office that one of the neighboring properties was not accurately calculated on square footage.

There was discussion on the examples provided, and there was a discrepancy between Pitt's property and the properties listed in the examples. Square footage and the classified condition of the subject property was a major factor when referencing the comparable examples. There was discussion on the quality and condition of the subject property and if the assessment was accurate. The assessment shows Pitt's property classified as good condition. The CBOE explained to Pitt that, bound by state statute, they must use the mass appraisal approach when valuing property. There was further discussion on the condition/quality and the percentage increase with each classification.

Moved by Commissioner Houck, seconded by Commissioner Chamberland, to table CBOE #55 to August 4th until after there has been a physical inspection. Motion carried unanimously.

CBOE #52
Kathleen and George Treutelaar

Assessor's Case: Cohen described the subject property and the examples provided in the packet materials. Cohen noted when referencing the petitioner's information, one of the sales used was in Econ Area 8, and the other example provided was outside of the timeframe.

Petitioner's Case: Petitioner, Treutelaar, was not present for the discussion. The petitioner stated in a letter that they were unable to attend the hearing, however, they did want the CBOE to utilize the materials provided in the packet.

Moved by Commissioner Houck, seconded by Commissioner Chamberland, to deny CBOE #52. Motion carried unanimously.

CBOE #57
Kimberly Martin

Assessor's Case: Cohen described the subject property and the examples provided in the packet materials. Cohen noted the subject property had a physical inspection and was completely measured in 2013. There was discussion on utilizing the mass appraisal approach to value properties. Spicer clarified that there was no highway influence regarding the valuation of the subject property.

Petitioner's Case: Petitioner, Martin, was present for the discussion. Martin provided additional information based on square footage of comparable properties. The Arrowhead Lake Road example provided by Martin, she thought, was closely related to the subject property when referencing the acreage and square footage. The petitioner further discussed the examples in material which was provided. Martin proposed the subject property be valued within the range of \$165,000 - \$180,000 because of the lack of improvements and the current condition. Martin stated, she thought her property did not relate to properties located in the Almont, Spring Creek, and Taylor Canyon area. Martin felt like her property was closely related to Example #3 provided by the Assessor's Office.

There was discussion on neighborhood adjustments and the mass appraisal approach definition was re-visited.

Moved by Commissioner Houck, seconded by Commissioner Chamberland, to deny CBOE #57 based on the equitable assessment that was done. Motion carried unanimously.

At 2:26 pm, before the CBOE listened to appeals #58 - #62, Petitioner, David Leinsdorf provided a letter regarding the Colorado Revised Statutes for Hearings on Appeal. In Leinsdorf's letter, he referenced Statute 39-8-107 stating:

"At the written request of any taxpayer or any agent of such taxpayer and subject to such confidentiality requirements as provided by law, the assessor shall within three working days after receipt of said request, make available to the taxpayer or agent the data used by the assessor in determining the actual value of any property owned by such taxpayer..."

Leinsdorf specified on Friday, July 17, his paralegal hand delivered to the office of the Gunnison County Assessor data supporting the five taxpayers' requested valuations. On Monday, July 27, 2015, at 6:10 pm, less than 48 hours before the scheduled hearings, Kristy McFarland emailed data for three of the five pending appeals. McFarland then emailed the remaining two appeals less than 24 hours before the hearings. Leinsdorf explained, by failing to give timely notice of the data upon which she relied, the assessor deprived these taxpayers of the opportunity to thoroughly investigate, inspect and analyze the assessor's comparables. Leinsdorf stated it was not feasible to evaluate nineteen comparable properties with only 20 – 45 hours of notice. There was discussion from Leinsdorf and suggestion to the CBOE to find the Assessor in default, just as the taxpayers would have been had they filed their appeals after the deadline. Leinsdorf required the CBOE to grant the adjusted amounts to all petitioners to whom he was representing.

The CBOE clarified for the record, Leinsdorf's request for the hand delivered letter is that the Assessor's Office did not provide the information within the three working days required by state statute and it took Leinsdorf five appeals to receive all information. Because the county failed to give timely notice and receipt of any information to the taxpayers, the county shall grant the taxpayers their requested values due to default from the Assessor's Office.

County Assessor Kristy McFarland explained to Leinsdorf the process for CBOE and the Assessor has been the same every year and nothing has changed from prior years. McFarland explained that all of the data used to derive the results were online and the presentation given to each petitioner was a sample of the sales. Leinsdorf explained to McFarland that it was not reasonable to expect a petitioner to go online and know which data the Assessor will use in each appeal.

County Attorney, David Baumgarten was informed of Leinsdorf's situation with the CBOE and the Assessor's Office. Baumgarten reviewed the hand delivered letter from Leinsdorf in order to make an explanation to the Board, the Assessor's Office, and the petitioner. There was clarification and discussion with Baumgarten regarding the situation from the petitioner. McFarland discussed the communication made through email with Leinsdorf regarding the sales data to determine the value of the properties. There was discussion between the parties,

stating the response time of the exchange of emails with Leinsdorf and the Assessor's Office. Leinsdorf clarified that all responses from the Assessor's Office was made outside of the statutory timeframe. Baumgarten discussed statutory requirements in relation to public records requests and what, by law, is required by the state. Baumgarten concluded, the materials were not supplied to the petitioner within the statutory time frame and could not be considered in the appeal decisions. Baumgarten agreed with Leinsdorf's prior statement of the taxpayers shall be granted their requested amount because the Assessor's Office was in default.

The CBOE clarified with Baumgarten that no data from the Assessor's Office can be used to determine the value of the petitioner's five properties due to the fact that no data was provided to the taxpayer within the statutory timeframe. Baumgarten explained, the Assessor can give documentation already provided to the petitioner, however, no data relating to the underlying foundation of how the properties were valued can be considered.

CBOE #58

130 Gothic LLC; Don Greiner (Representative: David Leinsdorf)

Assessor's Case: The Assessor's Office did not present any information on the subject property due to default of statutory requirements.

Petitioner's Case: Petitioner, Leinsdorf, was present for the discussion. Referencing additional information provided by the petitioner, there was discussion on reducing the value of the subject property due to location, views, and values of comparable properties. The petitioner explained why the subject property should be decreased in value due to the interior properties within the town of Crested Butte. Leinsdorf assured the CBOE the comparable sales used for determination were sales within the June 30, 2014 timeframe.

Moved by Commissioner Chamberland, seconded by Commissioner Houck, to adjust the value of CBOE #58 from \$1,882,800 to \$1,300,590. Motion carried unanimously.

CBOE #59

JP Equity LP; Jeffery Serra (Representative: David Leinsdorf)

Assessor's Case: The Assessor's Office did not present any information on the subject property due to default of statutory requirements.

Petitioner's Case: Petitioner, Leinsdorf, was present for the discussion. Leinsdorf requested a reduction in value to the amount of \$2,357,060 which is still 29% higher than the value of the previous year. Leinsdorf discussed the additional information provided in reference to the condition of the subject property compared to similar properties in the Kapushion subdivision. The petitioner believes the value stated of \$2,357,060 is supported by the documentation and calculations.

County Attorney Baumgarten had a discussion with the Assessor's Office regarding the determination procedure and statutory requirements. Baumgarten and the CBOE concluded, even though the Assessor's Office did not provide data to Leinsdorf, questions regarding Leinsdorf's data can be considered.

Moved by Commissioner Chamberland, seconded by Commissioner Houck, to adjust the value of CBOE #59 from \$2,534,900 to \$2,357,060. Motion carried unanimously.

CBOE #60

Hopkins Living Trust (Representative: David Leinsdorf)

Assessor's Case: The Assessor's Office did not present any information on the subject property due to default of statutory requirements.

Petitioner's Case: Petitioner, Leinsdorf, was present for the discussion. Based on the attachment to the letter provided by Leinsdorf, the petitioner believes the condition of the subject property has been classified incorrectly and should be valued at \$1,574,981.

There was discussion on the quality and condition of the subject property being changed from very good to good condition. The CBOE questioned if the subject property had been physically inspected. In response, the Assessor's Office clarified the subject property had a physical inspection, June of 2015.

Moved by Commissioner Chamberland, seconded by Commissioner Houck, to adjust the value of CBOE #60 from \$2,222,660 to \$1,574,980 due to the classification change. Motion carried unanimously.

**CBOE #61
David Leinsdorf**

Assessor's Case: The Assessor's Office did not present any information on the subject property due to default of statutory requirements.

Petitioner's Case: Petitioner, Leinsdorf, was present for the discussion. Based on a sale that took place at the height of the real estate market in 2009, Leinsdorf explained there had not been a single sale in the commercial zone within the Town of Crested Butte. Leinsdorf discussed floor area ratio in relation to the subject property and the comparable properties or lack thereof. The petitioner has requested a value of \$375,000 which he believes is still high for the market today. Leinsdorf believes that the commercial market in Crested Butte have not yet recovered and does not believe the subject property is fairly assessed.

Blackett asked the petitioner why the B-1 sale, in June of 2014, was not provided as a comparable. Spicer asked Leinsdorf to clarify the adjusted amount and what the calculations were in determining the value of the subject property. Spicer also questioned if the calculations made by the petitioner was an accurate representation of the current market.

The CBOE discussed the possibility of setting the value of the property to the same amount as the previous assessment value. Looking at the data provided by Leinsdorf, the CBOE does not agree with the value requested by the petitioner. There was discussion regarding the legal advice given by Baumgarten, and how the calculations provided by Leinsdorf supported the value of the subject property.

Moved by Commissioner Houck, seconded by Commissioner Chamberland, to adjust the value of CBOE #61 from \$750,000 to \$704,500. Motion carried unanimously.

**CBOE #62
Lazy JK Properties LLC (Representative: David Leinsdorf)**

Assessor's Case: The Assessor's Office did not present any information on the subject property due to default of statutory requirements.

Petitioner's Case: Petitioner, Leinsdorf, was present for the discussion. Leinsdorf requested a reduction in value based on the sale of the Timbers building. Leinsdorf stated that the subject property was comparable to the Timbers building and should obtain the same building valuation per square foot and should be applied to the subject property.

There was discussion on the Family Vision Center as being a comparable property to the subject property. The square footage of the subject property was discussed in comparison to the additional examples provided by Leinsdorf. The CBOE and Leinsdorf clarified that the value Leinsdorf requested for the subject property was calculated at \$49 per square foot. The CBOE concluded and explained that the Timbers sale was a distressed sale and was sold at a lower market value.

Moved by Chairperson Swenson, seconded by Commissioner Chamberland, to adjust the value of CBOE #62 from \$1,046,980 to \$737,390 based on the calculations. Motion carried unanimously.

**CBOE #63
Larry Kontz**

Assessor's Case: Cohen described the subject property and the examples provided in the packet materials. Cohen stated that there were not any sales in Arrowhead in low quality, therefore the Assessor's Office used comparable sales of high quality arrowhead and made a downward adjustment.

Petitioner's Case: Petitioner, Kontz, was not present for the discussion. Referencing the materials, he stated he purchased his property with additional furnishings. In Kontz's information, there was discussion regarding the purchase price including the real property and additional furnishings.

There was clarification from the CBOE that the information provided by the petitioner cannot be used because it was a sale outside of the timeframe.

Moved by Commissioner Chamberland, seconded by Commissioner Houck, to deny CBOE #63. Motion carried unanimously.

**CBOE #64
Mark Schumacher**

Assessor's Case: Blackett described the subject property and the examples provided in the packet materials. The Assessor's Office suggested a downward adjustment to the subject property. Originally the Assessor's Office valued the property as a non-river property and was considered to be over an acre. The Assessor's Office explained the Amendment for the subject property and concluded that CBOE #64 should be calculated as under one acre which would reduce the value determination.

Petitioner's Case: Petitioner, Schumacher, was not present for the discussion.

There was discussion regarding the easement already on the subject property. The CBOE discussed the location of the subject property and how the petitioner acquired an additional easement on the property.

Moved by Commissioner Chamberland, seconded by Commissioner Houck, to adjust the value of CBOE #64 from \$ 578,090 to \$474,140. Motion carried unanimously.

**CBOE #65
Mark Schumacher**

Assessor's Case: Blackett described the subject property and the examples provided in the packet materials. Sale occurred on July 31, 2013 and the physical inspection was performed September 2013. Blackett explained to the CBOE that there was a total of 80-100 sales within Econ Area 8.

Petitioner's Case: Petitioner, Schumacher, was not present for the discussion. The petitioner stated in a letter that the construction and quality of the subject property should be classified as poor.

There was discussion on the quality and condition of the subject property. The CBOE questioned the value of the subject property and concluded that the property did not fit within the calculations.

Moved by Commissioner Chamberland, seconded by Commissioner Houck, to deny CBOE #65 based on lack of evidence provided, and by following procedure to treat the property equally. Motion carried unanimously.

CBOE #66

Three Rivers Resort; Mark Schumacher

Assessor’s Case: Blackett described the subject property and the examples provided in the packet materials. Spicer explained that a main factor for the increase of the subject property was because the neighborhood adjustment for Almont is much bigger this appraisal term than previous years. Blackett explained the prior obsolescence adjustments calculated for the subject property due to the high traffic volume and surrounding commercial properties.

Petitioner’s Case: Petitioner, Schumacher, was not present for the discussion. The petitioner stated on his determination that he believed the value of the subject property should be valued at \$99,950 from data based on the 2009 and 2010 assessment.

There was discussion on why the subject property increased by 300% and why it was valued at 50% above the bubble. The CBOE clarified that Schumacher’s property is surrounded by commercial properties and experiences a high volume of traffic. There was discussion on applying an additional functional obsolescence on Schumacher’s property of 50% to lower the value.

Moved by Chairperson Swenson, seconded by Commissioner Chamberland, to adjust the value of CBOE #66 from \$149,720 to \$101,480 due to location and will continue to have 50% obsolescence moving forward. Motion carried unanimously.

ADJOURN: **Moved** by Commissioner Houck, seconded by Commissioner Chamberland, to adjourn the meeting. Motion passed unanimously. The July 29, 2015 meeting of the Board of Equalization adjourned at 4:58 pm.

Paula Swenson, Chairperson

Phil Chamberland, Vice-Chairperson

Jonathan Houck, Commissioner

Minutes Prepared By:

Bre Shelton, Deputy County Clerk

Attest:

Kathy Simillion, County Clerk