Received
County Administration
9/18/17

2017 REAL PROPERTY NOTICE OF DETERMINATION

Gunnison County
COLORADO

Kristy McFarland
Gunnison County Assessor
221 N Wisconsin St, Suite A
Gunnison, CO 81230

Date of Notice: August 31, 2017
Phone: (970) 641-1085
Fax: (970) 641-7920
Email: assessor@gunnisoncounty.org
Website: http://www.gunnisoncounty.org/assessor.html

CBOE #45

ACCOUNT NUMBER	TAX YEAR	TAX AREA	PARCEL NUMBER
R005555	2017	501	3177-261-04-033

PROPERTY OWNER	LEGAL DESCRIPTION
MCCLEARY CHRISTINE B 481 ALPINE VIEW DR INCLINE VILLAGE, NV 89451-8916	UNIT 309 BLDG C CHATEAUX CONDOS B766 P836

PROPERTY CLASSIFICATION	PROPERTY OWNER'S ESTIMATE OF VALUE	ASSESSOR'S VALUATION	
		ACTUAL VALUE PRIOR TO REVIEW	ACTUAL VALUE AFTER REVIEW
Residential		189,950	189,950
TOTALS		$189,950	$189,950

The Assessor has carefully studied all the available information, giving particular attention to the specifics included on your protest. The Assessor's determination of value after review is based on the following:

The actual value of the property is determined by appropriate consideration of the approaches to appraisal set forth in § 39-1-103(5)(a), C.R.S.

If you disagree with the Assessor's decision, you have the right to appeal to the County Board of Equalization for further consideration, § 39-8-106(1)(a), C.R.S.

The deadline for filing real property and personal property appeals is September 15.

The Assessor establishes property values. The local taxing authorities (county, school district, city, fire protection, and other special districts) set mill levies. The mill levy requested by each taxing authority is based on a projected budget and the property tax revenue required to adequately fund the services it provides to its taxpayers. The local taxing authorities hold budget hearings in the fall. If you are concerned about mill levies, we recommend that you attend these budget hearings. Please refer to last year's tax bill or ask your Assessor for a listing of the local taxing authorities.

Please refer to the reverse side of this notice for additional information.

APPEAL PROCEDURES

County Board of Equalization Hearings will be held from September 1 through November 1 at Gunnison County Courthouse or Blackstock Government Center.

To appeal the Assessor's decision, complete the Petition to the County Board of Equalization shown below, and mail or deliver a copy of both sides of this form to:

Gunnison County Board of Equalization
200 E Virginia Ave
Gunnison, CO 81230
(970) 641-0248

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To preserve your appeal rights, your Petition to the County Board of Equalization must be postmarked or delivered on or before **September 15 for real property and personal property** – after such date, your right to appeal is lost. You may be required to prove that you filed a timely appeal; therefore, we recommend that all correspondence be mailed with proof of mailing.

You will be notified of the date and time scheduled for your hearing. The County Board of Equalization must mail a written decision to you within five business days following the date of the decision. The County Board of Equalization must conclude hearings and render decisions by November 1, § 39-8-107(2), C.R.S. If you do not receive a decision from the County Board of Equalization and you wish to continue your appeal, you must file an appeal with the Board of Assessment Appeals by December 8, § 39-2-125(1)(e), C.R.S.

If you are dissatisfied with the County Board of Equalization's decision and you wish to continue your appeal, you must appeal within 30 days of the date of the County Board's written decision to ONE of the following:

Board of Assessment Appeals
1313 Sherman Street, Room 315
Denver, CO 80203
(303) 866-5880
www.dola.colorado.gov/baa

District Court
Contact the District Court in the county where the property is located. See your local phone book for the address and telephone number.

Binding Arbitration
For information about binding arbitration, contact the County Board of Equalization at the address above.

If the date for filing any report, schedule, claim, tax return, statement, remittance, or other document falls upon a Saturday, Sunday, or legal holiday, it shall be deemed to have been timely filed if filed on the next business day, § 39-1-120(3), C.R.S.

PETITION TO COUNTY BOARD OF EQUALIZATION

What is your estimate of the property's value as of June 30, 2016? (Your opinion of value in terms of a specific dollar amount is required for real property pursuant to § 39-8-106(1.5), C.R.S.)

$ 162,600

What is the basis for your estimate of value or your reason for requesting a review? (Please attach additional sheets as necessary and any supporting documentation, i.e., comparable sales, rent roll, original installed cost, appraisal, etc.)

Please see attached 4 page Protest explanation

ATTESTATION

I, the undersigned owner or agent* of the property identified above, affirm that the statements contained herein and on any attachments hereto are true and complete.

Christian B McCluny
Signature

720-287-0650
Telephone Number
Land line
Doesn't accept texts

9/15/17
Date

*Attach letter of authorization signed by property owner.

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Chateaux 309 2017, Parcel Number 3177-261-04-033, Appeal re: Denial of Property Tax Protest

I regret that I am unable to appear in person to present my appeal, but would like to start with some background information. Chateaux Condominiums consists of 60 units in five buldings with 12 units per building. There are twelve 2 bedroom/2bath units, all of which are listed as having 831 or 832 square feet. My unit is one of those. The rest of the Chateaux units have either 3 or 4 bedrooms and 3 bathrooms and range in size from 1094 to 1270 square feet. Unfortunately, I do not have a complete list of which units have been upgraded or renovated, but I'm told most of them have been. Mine has not.

On 5/31/17 I submitted a property tax protest requesting the assessment on my unit, 309, which is currently assessed at $228 per square foot be reduced to $12,940 or less with actual value of $164,600 or less, which would be $196 per square foot.

The reason I asked for that reduction is because four of the twelve 2 bedroom 2 bathroom units are assessed at that level. One of them, unit 303, sold on 6/1/16, and another, unit 311, sold on 11/8/15, so both are valid comps.

One larger Chateaux unit is assessed at $171 per square foot, but I believe that unit is deed restricted. The maximum assessed price per square foot in the Chateaux is $251, but only one 3 bedroom/3 bath unit is valued that high. The next highest value of $238 per square foot is assigned to five of the twelve 4 bedroom/3 bath units. Surprisingly, three of the others are valued slightly lower than my condo, at $226 & $227 per square foot, with the remaining four 4 bedroom/3 bath units, including unit 208, which sold on 10/16/15, valued at $204.

As already mentioned, only four units, including mine, are valued at $228 per square foot, which is the highest rate among 2 bedroom/2 bath Chateaux units. 23 of the larger units are valued higher than that on a price per square foot basis. The remaining 33 larger units in the Chateaux are valued lower.

The following reasoning was submitted in my original protest to support the lowering of the actual value of Chateaux Unit 309 to $162,600.

Chateaux Unit 309 currently has an assessor's actual value of $189,950 which is $228 per sq. ft. Since I purchased this property on 7/5/95 some broken appliances and the water heater have been replaced, but no renovations have been made. Approximately 10 years ago or longer Crested Butte Lodging and Property Management removed the unit from the short term rental pool because it no longer met their standards for short term rental. Since then they have said it can only be rented long term due to its poor condition. In May of this year they said that my unit is definitely below average compared to other Chateaux units, telling me the difference between my unit and Chateaux 311 is "night and day." Yet that unit, which was sold on 10/18/15, is valued at $162,600 or $196 per sq. ft., as is unit 303, which sold on 6/1/16 and has been renovated. Although I do not know the condition of every in the Chateaux, nor do I have a list of all the units in the complex that have been renovated, I've been told the majority of them have been renovated, some more than others.

I understand that view is one consideration in determining value and the mountain view is preferable to the parking lot view. However, I believe the fact that my view is superior to the one in unit 311 is balanced out by the far better condition that unit is in than mine.

Three other Chateaux 2 bedroom 2 bath units sold during the 7/1/14 – 6/30/16 time frame used for comparisons. Unit 303, which has had some renovations, including carpet and kitchen cabinets, is

valued the same as 311 at $162,600. Unit 301 has been fully renovated, but is valued lower than 309 at $180,670 or $217 per sq. ft. Unit 305, which has been renovated twice and has granite countertops, which are far superior to my old countertops, is valued at a few hundred dollars less than 309. The current assessment of my unit fails to take under consideration the difference between the vastly improved condition of that unit and mine..

Four other Chateaux units, all of which are much larger than 309, that sold during the comparison time period are valued at between $201 and $224 per sq. ft. I believe my unit should be valued at substantially less per sq. ft. than any of those units because despite ranging from 32% to 53% larger than mine, which makes them command higher rental rates, we all pay the same monthly $525 HOA fee. This is a major disadvantage for all Chateaux 2 bedroom units, making them worth substantially less than the 3 and 4 bedroom units. Three of the larger units that sold and are valued at less per sq, ft. than mine are 3 bedroom 3 bathroom units - 504 which has renovated bathrooms and a partially renovated kitchen, is valued at $201 per sq. ft., 411 is valued at $224 per sq. ft. and 507, which has had some renovations, is valued at $224 per sq. ft. The largest unit that sold during the comparison period (unit 208, valued at $204 per sq. ft.) is a four bedroom 3 bath unit.

Having been told the median price per square foot in the Chateaux is $216.50 based on the average between $215 & $218, I believe it is unfair that my unrenovated unit is currently valued above the mean, while numerous larger units (including some that did not sell during the comparison period and are not specifically referenced in this documentation) that command higher rental fees yet pay the same monthly $525 HOA fee as my smaller unit are valued at closer to or below the mean.

The arguments above were presented in my protest. After receiving the Notice of Determination denying my request to lower my property taxes to more accurately reflect the value of Chateaux 309 compared to other Chateaux units, I sent the following email to Bill McFarland in the assessor's office

(The "email below" referred to in it was a copy of my protest documentation that I haveessentially reiterated above.)

CB McCleary <cbmccleary@gmail.com> Sep 6 (9 days ago)

to William

Hi Bill,

I was disappointed to receive the denial of my property tax protest on Chateaux 309 and would very much appreciate your telling me why the protest was denied. Specifically, what does the assessor's department think are the fallacies of the reasoning that I presented in the email below. Can you please explain how units that have been renovated and qualify for the short term rental pool, which generates much higher rental rates than the long term rental pool are valued lower than my unit that hasn't been renovated in the 22 years that I've owned it. Also, please explain why units with larger square footage that have more bedrooms and bathrooms than mine are valued at a lower price per square foot than mine, even though the C units are penalized by being charged the same condo fees as larger units, which devalues C units (that are the smallest units in the complex).

Please help me understand why the assessor's office thinks my beliefs are wrong and the arguments I presented have no merit. What am I missing? I would appreciate your clearing up my confusion.

Sincerely,
Christine

I subsequently received the following response.

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Kristy Mcfarland Sep 12 (3 days ago)
to me

Hi Christine,

I'm sorry that we do not have time to walk through your reasoning behind your appeal again before Friday. Bill mentioned that he did spend quite a bit of time talking with you when you first appealed, and he hopes that conversation was helpful.

Your best bet is to submit your appeal to the CBOE. Once we receive notice that you have appealed to the CBOE, we will carefully review the documents you submit in support of your CBOE appeal and take a good look at your condo unit and the issues you raise.

Kind regards,

Kristy
Kristy McFarland
Gunnison County Assessor
221 N. Wisconsin St., Suite A
Gunnison, CO 81230
phone - 970.641.1085
http://www.gunnisoncounty.org/132/Assessors-Office

CB McCleary <cbmccleary@gmail.com> Sep 12 (3 days ago)
to Kristy, William

Hi Kristy,

Yes, when I spoke to him in late May, Bill was very helpful in walking me through how to search for and interpret information on your website and explaining some criteria you use to determine values. His suggestion that I file my protest and subsequently submit my substantiating reasoning was particularly valuable because I initially mistakenly thought I had until 6/30 to file and began working on it much later than I should have as a result. I really appreciated Bill's help and am happy to let you know that.

I had hoped to either be persuaded by your response that my reasoning is faulty and avoid filing a protest, or, barring that, that I would be able to strengthen my appeal by being able to directly address your reasons for denial. But, since you don't have time to review and elaborate them, hopefully when you look at my appeal submission, perhaps you will see some merit in the arguments I raised, and reach a different conclusion.

Sincerely,
Christine

Kristy Mcfarland Sep 12 (3 days ago)
to me

Yes, we will definitely review your CBOE appeal submission carefully. Do be sure to submit all your appeal rationale with your CBOE appeal, even though it may be a repeat of what you submitted to my office previously. The CBOE doesn't consider any documents submitted at the assessor level.

From: CB McCleary [mailto:cbmccleary@gmail.com]
Sent: Tuesday, September 12, 2017 4:07 PM

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CB McCleary <cbmccleary@gmail.com>
to Kristy

Sep 12 (3 days ago)

Thank you.

Josh emailed me that:

According to state statute the petition needs to be filled either by mail (postmarked by 9/15/2017) or hand delivered (5:00PM9/15/2017). Additional information may be submitted after the petition has been filed up to 2 business days before your hearing.

Glad I asked him because I would have probably been emailing after 5 PM, in which case my appeal wouldn't have been accepted. Guess the legislation hasn't caught up with the internet yet.

In closing, I simply respectfully ask that you consider the following question before rendering your decision: Would you be willing to pay significantly more per square foot for a smaller shabby condo that hasn't been upgraded in well over twenty years than you would for a recently renovated unit, especially when both are charged the same $525 monthly HOA fees, regardless of unit size and number of bedrooms and bathrooms? If not, because unit 309 is one of the most rundown units in the Chateaux, please assess it at $196 per square foot. Or, barring that, please lower the assessment to an amount that you believe more fairly reflects its value.

For the various reasons outlined above, I respectfully request that the value of unit, 309, be lowered to $162,600 which comes out to $196 per sq. ft.

Thank you for your consideration.

Sincerely,

Christine B. McCleary

Christine B. McCleary