CBOE #331

2019 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 15, 2019
Phone: (970) 641-1085
Fax: (970) 641-7920
Email: assessor@gunnisoncounty.org
Website: http://www.gunnisoncounty.org/assessor.html

ACCOUNT NUMBER	TAX YEAR	TAX AREA	PARCEL NUMBER
R009459	2019	601	3519-000-00-023

PROPERTY OWNER	LEGAL DESCRIPTION
OWEN DAVID K PO BOX 2177 CRESTED BUTTE, CO 812242177	LOT 1, N2 OF LOT 2, SEC 16, N2SE4NE4. NE4NE4. SEC 17 INDEPENDENT RESURVEY 68.72A 51N2E #628316

PROPERTY CLASSIFICATION	PROPERTY OWNER'S ESTIMATE OF VALUE	ASSESSOR'S VALUATION	
		ACTUAL VALUE PRIOR TO REVIEW	ACTUAL VALUE AFTER REVIEW
Residential		357,530	357,530
TOTALS		$357,530	$357,530

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County Administration
9/16/19

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.

Sales support the current valuation of your property.

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.

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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

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, 2018? (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.)

$ 226,000 –

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.) I provided excellent evidence supporting my estimate of value, satisfactory for an appraisal, to the Assessor's Office and they made no change. The Assessor's data set, as provided, includes some but not all of this information. I believe the Assessor misunderstood + misapplied the market data to arrive at their highly inflated value. I will provide additional evidence + analysis before the hearing. I request a hearing date before Oct. 15 as I will be unavailable later in October + November. Thank you.

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.

Signature	Telephone Number	Date
[signature]	970-275-8210	9/9/19

*Attach letter of authorization signed by property owner.

Whiterock Realty
Last Alphabetically, First in Service
903 Elk Avenue
PO Box 2177
Crested Butte, CO 81224

970-275-8210
970-349-1052
whiterockrealty@yahoo.com

David K. Owen
Broker/Manager

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Elizabeth Mense

From: DAVID OWEN <whiterockrealty@yahoo.com>
Sent: Friday, October 11, 2019 8:27 AM
To: Elizabeth Mense
Subject: Re: CBOE Hearing Letters
Attachments: 2019_10_11 CBOE 330 & 331 narrative.docx; Gatehouse WD.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Liz,

As promised, attached you will find further analysis of the Assessor's data in my narrative, and a deed to prove the $200,000 sale is for 2 separate legal parcels, for review by the Board in advance of our meeting next Wednesday. See you next Wednesday, and thanks for all of your assistance!

> On Oct 10, 2019, at 6:57 AM, DAVID OWEN <whiterockrealty@yahoo.com> wrote:
>
> yes, thanks Liz
>
>> On Oct 9, 2019, at 2:18 PM, Elizabeth Mense <EMense@gunnisoncounty.org> wrote:
>>
>> <CBOE Hearing Notices; Booth & Owen.pdf>
>

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To: Gunnison County Board of Equalization

From David K. Owen

RE: CBOE #330, RO09454 & CBOE #331, R009459

In failing to make a change when I protested the Assessor's very high values for these properties, the Assessor stated, "**Sales support the current valuation of your property.**" Having reviewed all of the sales data the Assessor used, I maintain that without a doubt the sales data supports my requested values.

What is the value of a single legal parcel in Gunnison Highlands North? Before I answer that question, you should remember 2 important factors: 1) GHN has no HOA, therefore no maintenance of the private subdivision road. 2) About half the lots are accessed from County Road 743 which receives public maintenance, and about half are accessed from the subdivision road.

The sales data includes 6 vacant lots sold, 2 of which are from 2014 which is really too old to consider. The remaining four, from most recent sale (more accurate determinant of value) to the oldest sale (least accurate) are: $107,000 for 40 acres on 3/15/18; $100,000 for 40 acres on 12/28/17; $139,000 for 35 acres on 9/14/17 and $165,000 for 40 acres on 2/14/17. The first 2 are average lots in the subdivision with average views.

The Assessor notes "above average views" for the 3rd sale, which is a significant understatement. That lot sits on the western edge of the subdivision, with CR 743 just nicking a corner, and borders public land over which it has a commanding view of the valley from Almont to Crested Butte and the entire Elk Mountain range beyond. I call it a "knocks your socks off" view! Naturally it sold at a premium.

The fourth sale is a spectacular lot. Very early in the subdivision on CR 743, it is easily 30 to 40 minutes closer to Gunnison than my properties. (Location, location, location!) It is almost a perfect combination of meadow, aspen and evergreen, again with commanding, impressive views and bordering public land. But what really sets it apart is how much of this lot is relatively flat useable terrain. It is not an overstatement to say that this is one of the very best lots in GHN: close to Gunnison, nearly all 40 acres is useable.

However, there are 2 more parcel sales that should be considered. I bought these (R009508) in July 2017 and paid $200,000 because they are 2 separate legal parcels (10 acres and 35 acres), please see attached deed, plus the previous owner bought them separately at different times. I valued them at $100,000 each with a tiny 120 sq ft shed of a cabin which I value minimally. If the Assessor is not looking at these

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as 2 separate parcels, that would obviously skew their answer to, "how much is a single parcel worth?" These parcels have none of the extraordinary features of the $139,000 sale or the $165,000 sale, same as my two other properties that I am appealing today, and all four are quite a ways down (or at the end of) the subdivision road.

So we have 4 sales at or just above $100,000 for average lots, 1 sale at $139,000 for a "knock your socks off" view lot, and the sale of one of the best lots in the subdivision for $165,000. I say the sales data *proves* that an average GVN lot is worth right around $100,000.

There are only 3 cabin sales in the data. The first is my shed-cabin mentioned above. The second is from 2015, $134,400 TASP, so $100,000 for the land and $34,000 for a pretty shabby cabin. The third is really something special, a custom two-story log house with 1,664 square feet of finished living upstairs and a 1,044 square foot walkout unfinished basement. That's 2,700 square feet! And again, it has lots of flat, useable acreage and is near the beginning of the subdivision on 743. It includes numerous deluxe features like a hot tub, cute outbuilding sauna, custom log stairs, and 3 wood stoves to heat all of those 2,700 square feet. It even came with a 2 year old very fancy UTV side by side! It sold for $385,000 in January 2017. So that's $100,000 for the lot and a cabin at $171.27 per fancily finished square foot, or $105.24 including all the heated enclosed space.

Neither of my cabins are as fancy as that $385,000 sale. Booth Owen, CBOE #330, has no well, no electricity (photovoltaics), unfinished walls, no custom log details; it is very, very basic. Essentially, it is just enclosed heated space on a single 40 acre lot. So $100,000 for the lot, and $111,000 for the cabin ($96.35/square foot) which is in-line with the sales data, is how I came up with my requested $211,000.

The Owen Cabin, CBOE#331, does have some of the bells and whistles of that $385,000 sale: a small photovoltaic system, a well, but no hot tub or sauna or carport. It is considerably smaller as well, and even though it is on a larger parcel, it is still just one parcel that cannot be divided (less than 70 acres). So $100,000 for the lot and $126,000 for the cabin at $175/square foot (which is actually more than the market data supports) is how I come up with my requested $226,000.

My numbers are based on a perfect sale of a 2 parcel property with 1 cabin that is adjacent (catty-corner) to both of these properties, so same location and views. It closed within months of the "value as of" date, so most accurate sales date, and is further detailed in my submitted documentation for the protests. Even if you ignore it, the other sales data used by the Assessor proves my requested values as I have demonstrated above, so therefore I respectfully request the Board adjust the value of my properties to my numbers. Thank you.

/s/ David K. Owen

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R 38.00 D 20.00

GENERAL WARRANTY DEED

(Statutory Form - C.R.S. §38-30-113)

Mitchell Jay Evans, whose address is 19 Elk Avenue, P.O. Box 1311, Crested Butte, Colorado 81224, County of Gunnison, State of Colorado, for the consideration of **Two Hundred Thousand and 00/100 Dollars ($200,000.00)**, in hand paid, hereby sells and conveys to **David K. Owen**, whose legal address is 903 Elk Avenue P.O. Box 2177, Crested Butte, Colorado 81224, County of Gunnison, State of Colorado, the following real property in the County of **Gunnison** and State of **Colorado**, to wit:

The real property described in Exhibit "A" attached hereto and Incorporated herein by reference

Also known by street and number as: **TBD County Road 743, Almont, CO 81230;**

With all appurtenances and warrant(s) the title to the same, subject to General taxes for the current year and subsequent years; the specific Exceptions described by reference to recorded documents as reflected in the Title Documents (Commitment for Title Insurance No. G17-326) accepted by Grantee in accordance with Record Title (§8.2) of the Contract to Buy and Sell Real Estate between Grantor and Grantee; distribution of utility easements (including cable TV); those specifically described rights of third parties not shown by the public records of which Grantee has actual knowledge and which were accepted by Grantee in accordance with Off-Record Title (§8.3) and New ILC or New Survey (§9) of the Contract to Buy and Sell Real Estate between Grantor and Grantee; inclusion of the property within any Special Taxing District; any special assessment if the improvements were not installed as of the date of Grantee's signature on the Contract to Buy and Sell Real Estate, whether assessed prior to or after Closing; and N/A

Signed this 17th **day of July, 2017.**

Mitchell Jay Evans

STATE OF **Colorado**)
) **SS.**
COUNTY OF **Gunnison**)

The foregoing instrument was acknowledged before me this 17th day of **July, 2017** by **Mitchell Jay Evans**

My commission expires: May 22, 2021

[SEAL]

THELMA JEAN STONE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID #19894007493
My Commission Expires May 22, 2021

Thelma Jean Stone
Notary Public

G17-326

Scribed at the direction of the parties by

GUNNISON COUNTY ABSTRACT COMPANY
LAND · TITLE · ESCROW
504 N. Main Street · Gunnison, CO 81230 · 970.641.0710

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EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

Township 51 North, Range 2 East, N.M.P.M.

Section 17:

A tract of land within the NE¼NW¼ and NW¼NE¼ of Section 17, more particularly described as follows: Commencing at the north quarter corner of said Section 17 (as marked by a USGLO brass cap monument) and the Point of Beginning for the herein described tract; thence the following courses around said tract:

1. **North 89°59'00" West 170.05 feet along the northerly boundary of the NE¼NW¼ of said Section 17;**
2. **South 0°00'59" West 1319.05 feet to a point on the southerly boundary of said NE¼NW¼;**
3. **North 89°59'41" East 170.05 feet along said southerly boundary to the southwest corner of the NW¼NE¼ of said Section 17;**
4. **North 89°57'02" East 985.98 feet along the southerly boundary of said NW¼NE¼ to the southwest corner of the E½E½NW¼NE¼ of said Section 17;**
5. **North 0°00'31" West 1319.37 feet along the westerly boundary of said E½E½NW¼NE¼ to a point on the northerly boundary of the NW¼NE¼ of said Section 17;**
6. **South 89°55'42" West 985.41 feet along said northerly boundary to the POINT OF BEGINNING of the herein described tract.**

County of Gunnison,
State of Colorado.

PARCEL 2:

Township 51 North, Range 2 East, N.M.P.M.

Section 17: E1/2E1/2NW1/4NE1/4

County of Gunnison,
State of Colorado.