CBOE # 315

Gunnison County
COLORADO

2019 REAL PROPERTY NOTICE OF DETERMINATION

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
R044568	2019	501	3177-261-44-067

PROPERTY OWNER	LEGAL DESCRIPTION
FERRELL JOHN 3825 WEST BAY CIR DALLAS, TX 752142926	UNIT 506 MOUNTAINEER SQUARE CONDOS PHASE 1 #605272

PROPERTY CLASSIFICATION	PROPERTY OWNER'S ESTIMATE OF VALUE	ASSESSOR'S VALUATION	
		ACTUAL VALUE PRIOR TO REVIEW	ACTUAL VALUE AFTER REVIEW
Residential		439,370	439,370
TOTALS		$439,370	$439,370

Received
County Administration
9/12/19 (VIA EMAIL)

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 of R044528 and R044542 support current valuation.

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.)

$ 350,000

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.)

SEE ATTACHMENTS

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]	908 328 9840	SEPT. 12, 2019

*Attach letter of authorization signed by property owner.

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EXHIBIT A2
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Notice of Protest

2019 Real Property Valuation of Unit 506 Mountaineer Square

Account Number R044568 – Owner John Ferrell

I hereby protest the 2019 valuation for this property of $439,370 which is an increase of almost 36 per cent over 2017 valuation and equates to $521.82 per square foot. Data from the Gunnison County Assessor's website shows that for the years 2017 and 2018 thru 7/6/2018 which is just past the "valuation date" of 6/30/2018, there were five sales (R044507, R044528, R044542, R044495 & R044532) of similar (one bedroom/two bath) units at Mountaineer Square with an average price of $428.3/Sq. ft. Using this average would value # 506 at (842x $428.3) $360,612. If only the 7/6/18 sale data ($453.4/Sq. ft.) is used, #506 would be valued at (842x $453.4/Sq. ft.) $381,763 . Additionally, the unit sold on 7/6/18 has direct view of Crested Butte Mountain (*Pasted from listing*---**Property Overview** - THESE DON'T COME ON THE MARKET VERY OFTEN!! RARE DIRECT MOUNTAIN VIEWS), while #506 has courtyard view. Typically, direct mountain views sell at a premium.

Also Mountaineer Square units are, with very rare exceptions, sold "turnkey" which means that the sale price includes full furnishings, all appliances including washer & dryer, draperies, linens, comforters, pillows, towels, dishes, silverware, glassware, pot & pans, coffee maker, blender, toaster, humidifier, TV's, DVD players, artwork and all other items required for immediate occupancy. This means that the sales data is inflated and does not reflect the true real property value. The difference in this inflated value for a one bedroom unit can easily exceed $20,000 depending on the quality of the furnishings. In support of this statement: I purchased unit 506 (842 sq. ft.) 8/24/2010 for $230,000** unfurnished without "turnkey" package and two similar one bedroom units also sold in August 2010 that were "turnkey". Unit 413 (833 sq. ft.) sold 8/2/2010 for $260,000 and unit 417 (882 sq. ft.) sold 8/30/2010 for $261,000 (I made offers of $260,000 on both of these units that were not accepted).This comparative August 2010 sales data would indicate an approximate value of $30,000 for the "turnkey" package which should be deducted from the "turnkey" price of a one bedroom

unit to give a fair true real property value. And should that not be the goal for Gunnison County assessments to be fair? Despite the fact properties such as unit 506 have historically always been unfairly assessed based on flawed sales data which reflects "turnkey" prices, that does not make it right and it unfairly penalizes these owners.

Based on the analysis presented above, I believe that a fair true real property value for this property as of June 30, 2018 would be approximately $350,000.

Even if no correction is made for the value of the "turnkey" furnishings included in posted "sale prices" to yield a fair market value, the 2019 valuation of $439,370 for unit 507 as of 6/30/2018 is more than 15% higher than the calculated price of $381,763 based on $/Sq. Ft. for the sale of unit 317 (R044532) for $399,900 on 7/06/2018 (Six days after the 6/30/2018 "valuation date"). The 2019 valuation for unit 307 is $440,230. This is not rational or fair.

By comparison, a residential property (R001546) that I am familiar with in Gunnison increased in "valuation" from previous 2017 value of $427,700 to 2019 value of $453,010 which is less than a 6% increase while my unit 506 increased almost 36%. This also does not seem rational or fair second home owners in the northern part of Gunnison County.

Respectfully submitted,

John Ferrell

Sept.12, 2019

SEE ATTACHED---

** Note- The "contract" price was $230,000, but the effective sale price was $222,000 since the seller concession of $8,000 was credited to buyer as shown on Line 209/509 of the HUD Settlement Statement included. The Real Estate Broker Fee was based on $222,000 as shown on Line 700 of the HUD. If $222,000 is used in the analysis, the value of the "turnkey" package would be approximately $38,000.

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EXHIBIT B
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8/10/10 12:16 PM

OMB No. 2502-0265

A. U.S. Department of Housing and Urban Development

Settlement Statement

B. Type of Loan

1. [ ] FHA 2. [ ] RHS 3. [ ] Conv. Unins.
4. [ ] VA 5. [ ] Conv. Ins.

6. File Number 933047

7. Loan Number

8. Mortgage Ins. Case No.

C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked ("POC") were paid outside the closing: they are shown here for information purposes and are not included in the totals. POC(B) represents paid outside of closing by borrower, POC(S) represents paid outside of closing by the seller, POC(L) represents paid outside of closing by lender, and POC(M) represents paid outside of closing by mortgage broker.

D. Name of Borrower: John Ferrell, 3825 West Bay Circle, Dallas, TX 75214

E. Name of Seller: Bank of the West TIN:

F. Name of Lender:

G. Property Location: Unit 506, Mountaineer Square Condominiums, Phase 1

620 Gothic Road, Condominium Unit 506, Mt. Crested Butte, CO 81225

H. Settlement Agent: Stewart Title(970) 349-0115 TIN: 740923770

Place of Settlement: 411 Third Street, P.O. Box 221, Crested Butte, CO 81224

I. Settlement Date: 8/25/2010 **Proration Date:** 8/25/2010

J. Summary of Borrower's Transaction		K. Summary of Seller's Transaction	
100. Gross Amount Due from Borrower		**400. Gross Amount Due to Seller**	
101. Contract sales price	230,000.00	401. Contract sales price	230,000.00
102. Personal property		402. Personal property	
103. Settlement charges to borrower (line 1400)	8,000.00	403.	
104.		404.	
105.		405.	
Adjustments for items paid by seller in advance		Adjustments for items paid by seller in advance	
106. City/town taxes		406. City/town taxes	
107. County taxes		407. County taxes	
108. Assessments		408. Assessments	
109.		409.	
110.		410.	
111.		411.	
112.		412.	
120. Gross Amount Due from Borrower:	238,000.00	**420. Gross Amount Due to Seller**	230,000.00
200. Amounts Paid by or in Behalf of Borrower		500. Reduction in Amount Due to Seller	
201. Deposit or earnest money	1,000.00	501. Excess deposit (see instructions)	
202. Principal amount of new loan(s)		502. Settlement charges to seller (line 1400)	13,320.00
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204.		504. Payoff of first mortgage loan	208,680.00
205.		505. Payoff of second mortgage loan	
206.		506. HOA Transfer Fee	
207. Seller Paid Title Insurance		507. Seller Paid Title Insurance	
208.		508. 2009 Property Taxes	
209. Seller consession	8,000.00	509. Seller consession	8,000.00
Adjustments for items unpaid by seller		Adjustments for items unpaid by seller	
210. City/town taxes		510. City/town taxes	
211. County taxes		511. County taxes	
212. Assessments		512. Assessments	
213.		513.	
214.		514.	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. Total Paid by/for Borrower	9,000.00	**520. Total Reduction Amount Due Seller:**	230,000.00
300. Cash at Settlement from/to Borrower		600. Cash at Settlement to/from Seller:	
301. Gross amount due from borrower (line 120)	238,000.00	601. Gross amount due to seller (line 420)	230,000.00
302. Less amount paid by/for borrower (line 220)	9,000.00	602. Less total reduction in amount due seller(line 520)	230,000.00
303. **CASH (X)FROM ()TO BORROWER**	229,000.00	603. **CASH ()FROM ()TO SELLER**	0.00

SUBSTITUTE FORM 1099 SELLER STATEMENT - The information contained in Blocks E, G, H and I and on line 401 (or, if line 401 is asterisked, lines 403 and 404), 406, 407 and 408-412 (applicable part of buyer's real estate tax reportable to the IRS) is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction will be imposed on you if this item is required to be reported and the IRS determines that it has not been reported.

SELLER INSTRUCTION - If this real estate was your principal residence, file form 2119, Sale or Exchange of Principal Residence, for any gain, with your income tax return; for other transactions, complete the applicable parts of form 4797, Form 6252 and/or Schedule D (Form 1040).

You are required by law to provide Stewart Title(970) 349-0115 with your correct taxpayer identification number.
If you do not provide Stewart Title(970) 349-0115 with your correct taxpayer identification number, you may be subject to civil or criminal penalties.

Bank of the West

The Public Reporting Burden for this collection of information is estimated at 35 minutes per response for collecting, reviewing, and reporting the data. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. No confidentiality is assured; this disclosure is mandatory. This is designed to provide the parties to a RESPA covered transaction with information during the settlement process.

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EXHIBIT B
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L. Settlement Charges	8/10/10 12:16 PM			File Number: 933047	
700.	Total Real Estate Broker Fees	based on : $222,000.00 @ 6.0000% = $13,320.00		Paid From Borrower's Funds at Settlement	Paid From Seller's Funds at Settlement
	Division of commission (line 700) as follows:				
701.	$6,660.00	to	Benson Sotheby's International Realty		
702.	$6,660.00	to	Benson Sotheby's International Realty		
703.	Commission paid at settlement $13,320.00			0.00	13,320.00
704.					
705.					
800.	Items Payable in Connection with Loan				
801.	Our origination charge		(from GFE#1)		
802.	Your credit or charge (points) for specific interest rate chosen		(from GFE#2)		
803.	Your adjusted origination charges		(from GFE A)	0.00	
804.	Appraisal fee		(from GFE#3)		
805.	Credit report		(from GFE#3)		
806.	Tax service		(from GFE#3)		
807.	Flood certification		(from GFE#3)		
808.					
809.					
810.					
811.					
812.					
900.	Items Required by Lender to Be Paid in Advance				
901.	Daily interest charges		(from GFE#10)		
902.	Mortgage Insurance premium		(from GFE#3)		
903.	Homeowner's insurance		(from GFE#11)		
904.					
905.					
1000.	Reserves Deposited with Lender				
1001.	Initial deposit for your escrow account		(from GFE#9)	0.00	
1002.	Homeowner's insurance				
1003.	Mortgage insurance				
1004.	City property taxes				
1005.	County property taxes				
1006.	Annual Assessments (maint.)				
1007.					
1008.					
1009.	Aggregate Adjustment				
1100.	Title Charges				
1101.	Title services and lender's title insurance		(from GFE#4)	0.00	
1102.	Settlement or closing fee	to	Stewart Title	250.00	
1103.	Owner's title insurance	to	Stewart Title (from GFE#5)	702.00	
1104.	Lender's title insurance				
1105.	Lender's title policy limit				
1106.	Owner's title policy limit	$230,000.00			
1107.	Agent's portion of the total title insurance premium		* $617.76		
1108.	Underwriter's portion of the total title insurance premium		$84.24		
1109.	Agent Name: Stewart Title				
1110.	Underwriter Name:Stewart Title Guaranty Company				
1111.	* Delete 1-4 $50.00				
1112.					
1113.	1102 Inc Real Estate Closing Fee				
1114.	Courier Fee	to	Stewart Title	50.00	
1115.	E Doc Fee				
1116.	Tax Certificate	to	Stewart Title	20.00	
1200.	Government Recording and Transfer Charges				
1201.	Government recording charges		(from GFE#7)	11.00	
1202.	Deed/Mortgage/Release	Deed $11.00			
1203.	Transfer taxes		(from GFE#8)	0.00	
1204.	City/County tax/stamps				
1205.	State tax/stamps	Deed $23.00		23.00	
1206.					
1207.					
1208.	Additional Recording Fees (SOA)	to	Stewart Title	11.00	
1209.	E-Recording Fee	to	Stewart Title	10.00	
1300.	Additional Settlement Charges				
1301.	Required services that you can shop for		(from GFE#6)	0.00	
1302.					
1303.					
1304.	Attorney Fees to draw WD, BOS, SC	to	Attorney	225.00	
1305.	Certificate of Assessment	to	Town of Mt. Crested Butte	10.00	
1306.	Cashiers Check/Wire Transfer Fee	to	Stewart Title	5.00	
1307.	CIC Document Retrieval Fee				
1308.	Final Water/Sewer Escrow				
1309.	HOA Dues 8/1- 8/24/2010	to	Mountaineer Square HOA	423.68	
1310.	HOA Dues 8/25-10/31/2010	to	Mountaineer Square HOA	1,200.43	

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1311.	Finance Charges	to	Mountaineer Square HOA	88.81	
1312.	HOA 1% Transfer Tax	to	Mountaineer Square HOA	2,200.00	
1313.	Appliance/Decoration Expense	to	Appliance	2,770.08	
1400.	Total settlement charges (entered on lines 103, section J and 502, section K)			8,000.00	13,320.00

EXHIBIT B
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CERTIFICATION: I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of HUD-1 Settlement Statement.

John Ferrell	Bank of the West

To the best of my knowledge, the HUD-1 Settlement Statement which I have prepared is a true and accurate account of the funds which were received and have been or will be disbursed by the undersigned as part of the settlement of this transaction.

EXHIBIT B
Page 4 of 4

Stewart Title	Date

SELLER'S AND/OR BORROWER'S STATEMENT Seller's and Borrower's signature hereon acknowledges his/their approval of tax prorations and signifies their understanding that prorations were based on taxes for the preceding year, or estimates for the current year, and in the event of any change for the current year, all necessary adjustments must be made between Seller and Borrower; likewise any default in delinquent taxes will be reimbursed to Title Company by the Seller.

Title Company, in its capacity as Escrow Agent, is and has been authorized to deposit all funds it receives in this transaction in any financial institution, whether affiliated or not. Such financial institution may provide Title Company computer accounting and audit services directly or through a separate entity which, if affiliated with Title Company, may charge the financial institution reasonable and proper compensation therefore and retain any profits therefrom. Any escrow fees paid by any party involved in this transaction shall only be for checkwriting and input to the computers, but not for aforesaid accounting and audit services. Title Company shall not be liable for any interest or other charges on the earnest money and shall be under no duty to invest or reinvest funds held by it at any time. Sellers and Borrowers hereby acknowledge and consent to the deposit of the escrow money in financial institutions with which Title Company has or may have other banking relationships and further consent to the retention by Title Company and/or its affiliates of any and all benefits (including advantageous interest rates on loans) Title Company and/or its affiliates may receive from such financial institutions by reason of their maintenance of said escrow accounts.

The Settlement Agent does not warrant or represent the accuracy of information provided by third parties, including that information provided on the last page of this HUD form or POC Items, and the parties hold harmless the settlement agent as to any inaccuracy of such matter.

The parties have read the above sentences, recognize that the recitations herein are material, agree to same, and recognize Title Company is relying on the same.

Purchasers/Borrowers	Sellers
John Ferrell	Bank of the West

WARNING: It is a crime to knowingly make false statements to the United States on this or any other similar form. Penalties upon conviction can include a fine and imprisonment. For details see: Title 18: U.S. Code Section 1001 and Section 1010.

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EXHIBIT C
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Notice of Protest

2019 Real Property Valuation of Unit 506 Mountaineer Square

Account Number R044568 – Owner John Ferrell

I hereby protest the 2019 valuation for this property of $439,370 which is an increase of almost 36 per cent over 2017 valuation and equates to $521.82 per square foot. Data from the Gunnison County Assessor's website shows that for the years 2017 and 2018 thru 7/6/2018 which is just past the "valuation date" of 6/30/2018, there were five sales (R044507, R044528, R044542, R044495 & R044532) of similar (one bedroom/two bath) units at Mountaineer Square with an average price of $428.3/Sq. ft. Using this average would value # 506 at (842x $428.3) $360,612. If only the 7/6/18 sale data ($453.4/Sq. ft.) is used, #506 would be valued at (842x $453.4/Sq. ft.) $381,763 . Additionally, the unit sold on 7/6/18 has direct view of Crested Butte Mountain (*Pasted from listing*---**Property Overview** - THESE DON'T COME ON THE MARKET VERY OFTEN!! RARE DIRECT MOUNTAIN VIEWS), while #506 has courtyard view. Typically, direct mountain views sell at a premium.

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unit to give a fair true real property value. And should that not be the goal for Gunnison County assessments to be fair? Despite the fact properties such as unit 506 have historically always been unfairly assessed based on flawed sales data which reflects "turnkey" prices, that does not make it right and it unfairly penalizes these owners.

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Even if no correction is made for the value of the "turnkey" furnishings included in posted "sale prices" to yield a fair market value, the 2019 valuation of $439,370 for unit 506 as of 6/30/2018 is more than 15% higher than the calculated price of $381,763 based on $/Sq. Ft. for the sale of unit 317 (R044532) for $399,900 on 7/06/2018 (Six days after the 6/30/2018 "valuation date"). The 2019 valuation for unit 307 is $440,230. This is not rational or fair. Additionally, it is not rational that the value of unit 506(R044568) increased by 36% while the values of unit 413(R044551) and unit 417(R044555) increased by 17% and 16% respectively.

By comparison, a residential property (R001546) that I am familiar with in Gunnison increased in "valuation" from previous 2017 value of $427,700 to 2019 value of $453,010 which is less than a 6% increase while my unit 506 increased almost 36%. This also does not seem rational or fair second home owners in the northern part of Gunnison County.

Respectfully submitted,

John Ferrell

October 15, 2019

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