CBOE # 353

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
R032047	2019	100	3701-360-05-012

PROPERTY OWNER	LEGAL DESCRIPTION
DDE GUNNISON MEADOWS HOLDINGS LLC PO BOX 895 CRESTED BUTTE, CO 812240895	UNIT 12 GUNNISON MOUNTAIN MEADOWS MALL #655289

PROPERTY CLASSIFICATION	PROPERTY OWNER'S ESTIMATE OF VALUE	ASSESSOR'S VALUATION	
		ACTUAL VALUE PRIOR TO REVIEW	ACTUAL VALUE AFTER REVIEW
Commercial		279,810	316,230
TOTALS		$279,810	$316,230

Received
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.

The physical inventory of your property has been corrected and our office has determined that your adjusted valuation is correct as indicated.

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.

CBOE # 353

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:

R 032047 R03 2039
R024535 R032040
R032037 R032041
R032038 R032042

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

DDE

R032043
R032044
R032045
R032046

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.

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Denver, CO 80203
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www.dola.colorado.gov/boa

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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.)

$ 2,235,000

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 attached Letter

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

970-641-1903
Telephone Number

9-13-19
Date

*Attach letter of authorization signed by property owner.

EXHIBIT A
Page 1 of 3

LAW OF THE ROCKIES

Members
Marcus J. Lock
Jacob A. With
Kendall K. Burgemeister

Of Counsel
John R. Hill, Jr.

Associate
Austin J. Chambers
William P. Edwards*
*Licensed in Utah only

525 N. Main Street, Gunnison, CO 81230 | 970.641.1903
lawoftherockies.com | Fax: 970.641.1943
Email: jwith@lawoftherockies.com

September 13, 2019

VIA FIRST CLASS MAIL
AND HAND DELIVERY

Gunnison County Board of Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

Re: ***Protest and Appeal of 2019 Real Property Notice of Determination for R032047, R024535, R032037, R032038, R032039, R032040, R032041, R032042, R032043, R032044, R032045, R032046 (Units 1-12, Gunnison Mountain Meadows Mall, or the "Units")***

Dear Gunnison County Board of Equalization,

I am writing on behalf of DDE Gunnison Meadows Holdings, LLC ("DDE"), the owner of the Units. The Notice of Determination for these Units is a total of $3,354,210. The valuation for these Units is incorrect as is demonstrated by: (1) DDE purchased the Units on August 17, 2018 for a total purchase price of $2,235,000.00, (2) commercial properties in the City of Gunnison did not sell for more than $187.00 per square foot, yet the Assessor provided values for the Units in excess of $200 per square foot, (3) the Units are in notoriously bad condition, to such an extent that the deleterious parking lot has even been made official gossip in the newspaper, and (4) the actual tenants cannot afford a rental rate that accommodates the tax increase.

DDE purchased the Units on August 17, 2018 for $2,235,000.00. While this falls outside of the assessment period by approximately two months, it is useful in demonstrating that the time adjusted sales price analysis and overall fair market value analysis by the Gunnison County Assessor in this market area is incorrect. This transaction represents the largest number of sales of commercial units in the City of Gunnison in 2018 and demonstrates that at the end of the assessment period, property values had not increased to the values applied by the Assessor.

Indeed, it appears that even the Assessor does not believe that its valuations are reliable. After the initial protest, the Assessor determined that seven Units actually had a higher value than provided in the original valuation, two Units decreased in value, and only three Units

remained the same. The Assessor's valuations cannot be taken at face value and must be reflective of actual sales values and the condition of the Units.

The actual sales values for the 2017 and 2018 timeframe most proximate to the valuation date reveal that the price per square foot for buildings in the City of Gunnison ranged between approximately $82 and $187 per square foot. To argue that these Units somehow fall outside this range is baseless. Nevertheless, the price per square foot provided by the Assessor on many of the Units exceeds $200.

These Units are in notoriously bad condition. Not only are the buildings old and poorly maintained, the poor maintenance is endemic to the development. The parking lot has historically been in such a poor condition that it's been featured in the local newspaper. The Gunnison County Assessor does not take into consideration the overall condition of the development and buildings.

The poor condition of the Units and the development is evidenced by the actual purchase price for the Units. The owner paid a purchase price that reflected the condition of the Units and the development. The poor quality of the Units and development is also reflected in the poor occupancy rates for the building. There is constant turnover in the buildings. If the Assessor adequately took these factors into consideration, the value provided by the Assessor would be comparable to the actual purchase price because it would be predictive of what actual fair market value was as of the end of the appraisal period, which was essentially the date of purchase. It did not. The value provided by the Assessor is, in fact, 66% over value.

The Notice of Determination values for the Units simply are not reflect actual, comparable sales. The values provided by the Assessor do not take into consideration the condition of the Units or the development. Of greatest concern to DDE, however, is that increases in real property taxes are ultimately passed onto tenants. The tenants in these Units will, in many cases, be unable to afford the increased taxes. As is shown by the turnover in the building, businesses struggle to survive in the City of Gunnison. Rental income dictates the value of these Units and the value provided by the City of Gunnison grossly exceeds what is supportable by rents. The leases for the units are triple net leases, which means that tenants will end up paying the increased taxes. As seen by the article in today's newspaper, it is increasingly difficult for tenants to cope with climbing rents.

DDE is requesting that the Board of Equalization recognize that the valuations provided by the Assessor must, demonstrably, be incorrect given that they so grossly exceed the actual purchase price, other commercial sales in the City of Gunnison, and fail to recognize the condition of the Units. Respectfully, the value should not exceed $2,235,000. The total actual valuation for the Units in 2016 was $2,060,480. The proposed valuation represents an 8.5% increase in value instead of the 62% increase provided under the Notices of Determination.

EXHIBIT A
Page 3 of 3

Sincerely,

Jacob A. With
LAW OF THE ROCKIES

EXHIBIT B
Page 1 of 1

September 13, 2019

VIA FIRST CLASS MAIL
AND HAND DELIVERY

Gunnison County Board of Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

Re: Protest and Appeal of 2019 Real Property Notice of Determination for R032047, R024535, R032037, R032038, R032039, R032040, R032041, R032042, R032043, R032044, R032045, R032046 (Units 1-12, Gunnison Mountain Meadows Mall, or the "Units")

Dear Gunnison County Board of Equalization,

DDE Gunnison Meadows Holdings, LLC ("DDE"), the owner of the Units, does hereby authorize Jacob A. With and Law of the Rockies to file an appeal and protest to the Board of Equalization for the Units, including appearing at any hearings or any other proceedings for the same.

Sincerely,
DDE Gunnison Meadows Holdings, LLC

Jordon Ringel, Member

LAW OF THE
ROCKIES
Attorneys at Law
525 N. Main St.
Gunnison, CO 81230

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 001.45⁰
0000300456 SEP 13 2019
MAILED FROM ZIP CODE 81230

Gunnison County Board of
Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

Received
County Administration
9/16/19 (VIA MAIL)
HAND DELIVERED +
EMAILED COPIES

CBOE # 354

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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
R024535	2019	100	3701-360-05-001

PROPERTY OWNER	LEGAL DESCRIPTION
DDE GUNNISON MEADOWS HOLDINGS LLC PO BOX 895 CRESTED BUTTE, CO 812240895	UNIT 1 GUNNISON MOUNTAIN MEADOWS MALL #655312

PROPERTY CLASSIFICATION	PROPERTY OWNER'S ESTIMATE OF VALUE	ASSESSOR'S VALUATION	
		ACTUAL VALUE PRIOR TO REVIEW	ACTUAL VALUE AFTER REVIEW
Commercial		282,470	199,390
TOTALS		$282,470	$199,390

Received
County Administration
9/16/19

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CBOE #354

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R024535 R032040
R032037 R032041
R032038 R032042

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

DDE

R032043
R032044
R032045
R032046

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$ 2,235,000

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 attached Letter

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

970-641-1903
Telephone Number

9-13-19
Date

*Attach letter of authorization signed by property owner.

EXHIBIT A
Page 1 of 3

LAW OF THE ROCKIES

Members
Marcus J. Lock
Jacob A. With
Kendall K. Burgemeister

Of Counsel
John R. Hill, Jr.

Associate
Austin J. Chambers
William P. Edwards*
*Licensed in Utah only

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Email: jwith@lawoftherockies.com

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200 E. Virginia Ave.
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EXHIBIT A
Page 3 of 3

Sincerely,

Jacob A. With
LAW OF THE ROCKIES

EXHIBIT B
Page 1 of 1

September 13, 2019

VIA FIRST CLASS MAIL
AND HAND DELIVERY

Gunnison County Board of Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

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DDE Gunnison Meadows Holdings, LLC

Jordon Ringel, Member

LAW OF THE
ROCKIES
Attorneys at Law
525 N. Main St.
Gunnison, CO 81230

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 001.45⁰
0000300456 SEP 13 2019
MAILED FROM ZIP CODE 81230

Gunnison County Board of
Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

Received
County Administration
9/16/19 (VIA MAIL)
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CBOE # 355

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
R032037	2019	100	3701-360-05-002

PROPERTY OWNER	LEGAL DESCRIPTION
DDE GUNNISON MEADOWS HOLDINGS LLC PO BOX 895 CRESTED BUTTE, CO 812240895	UNIT 2 GUNNISON MOUNTAIN MEADOWS MALL #655312

PROPERTY CLASSIFICATION		PROPERTY OWNER'S ESTIMATE OF VALUE	ASSESSOR'S VALUATION	
			ACTUAL VALUE PRIOR TO REVIEW	ACTUAL VALUE AFTER REVIEW
Commercial	Received County Administration 9/16/19		271,030	294,090
	TOTALS		$271,030	$294,090

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Gunnison County Board of Equalization
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DDE

R032043
R032044
R032045
R032046

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PETITION TO COUNTY BOARD OF EQUALIZATION

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$ 2,235,000

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 attached Letter

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

970-641-1903
Telephone Number

9-13-19
Date

*Attach letter of authorization signed by property owner.

EXHIBIT A
Page 1 of 3

LAW OF THE ROCKIES

Members
Marcus J. Lock
Jacob A. With
Kendall K. Burgemeister

Of Counsel
John R. Hill, Jr.

Associate
Austin J. Chambers
William P. Edwards*
*Licensed in Utah only

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Re: ***Protest and Appeal of 2019 Real Property Notice of Determination for R032047, R024535, R032037, R032038, R032039, R032040, R032041, R032042, R032043, R032044, R032045, R032046 (Units 1-12, Gunnison Mountain Meadows Mall, or the "Units")***

Dear Gunnison County Board of Equalization,

I am writing on behalf of DDE Gunnison Meadows Holdings, LLC ("DDE"), the owner of the Units. The Notice of Determination for these Units is a total of $3,354,210. The valuation for these Units is incorrect as is demonstrated by: (1) DDE purchased the Units on August 17, 2018 for a total purchase price of $2,235,000.00, (2) commercial properties in the City of Gunnison did not sell for more than $187.00 per square foot, yet the Assessor provided values for the Units in excess of $200 per square foot, (3) the Units are in notoriously bad condition, to such an extent that the deleterious parking lot has even been made official gossip in the newspaper, and (4) the actual tenants cannot afford a rental rate that accommodates the tax increase.

DDE purchased the Units on August 17, 2018 for $2,235,000.00. While this falls outside of the assessment period by approximately two months, it is useful in demonstrating that the time adjusted sales price analysis and overall fair market value analysis by the Gunnison County Assessor in this market area is incorrect. This transaction represents the largest number of sales of commercial units in the City of Gunnison in 2018 and demonstrates that at the end of the assessment period, property values had not increased to the values applied by the Assessor.

Indeed, it appears that even the Assessor does not believe that its valuations are reliable. After the initial protest, the Assessor determined that seven Units actually had a higher value than provided in the original valuation, two Units decreased in value, and only three Units

remained the same. The Assessor's valuations cannot be taken at face value and must be reflective of actual sales values and the condition of the Units.

The actual sales values for the 2017 and 2018 timeframe most proximate to the valuation date reveal that the price per square foot for buildings in the City of Gunnison ranged between approximately $82 and $187 per square foot. To argue that these Units somehow fall outside this range is baseless. Nevertheless, the price per square foot provided by the Assessor on many of the Units exceeds $200.

These Units are in notoriously bad condition. Not only are the buildings old and poorly maintained, the poor maintenance is endemic to the development. The parking lot has historically been in such a poor condition that it's been featured in the local newspaper. The Gunnison County Assessor does not take into consideration the overall condition of the development and buildings.

The poor condition of the Units and the development is evidenced by the actual purchase price for the Units. The owner paid a purchase price that reflected the condition of the Units and the development. The poor quality of the Units and development is also reflected in the poor occupancy rates for the building. There is constant turnover in the buildings. If the Assessor adequately took these factors into consideration, the value provided by the Assessor would be comparable to the actual purchase price because it would be predictive of what actual fair market value was as of the end of the appraisal period, which was essentially the date of purchase. It did not. The value provided by the Assessor is, in fact, 66% over value.

The Notice of Determination values for the Units simply are not reflect actual, comparable sales. The values provided by the Assessor do not take into consideration the condition of the Units or the development. Of greatest concern to DDE, however, is that increases in real property taxes are ultimately passed onto tenants. The tenants in these Units will, in many cases, be unable to afford the increased taxes. As is shown by the turnover in the building, businesses struggle to survive in the City of Gunnison. Rental income dictates the value of these Units and the value provided by the City of Gunnison grossly exceeds what is supportable by rents. The leases for the units are triple net leases, which means that tenants will end up paying the increased taxes. As seen by the article in today's newspaper, it is increasingly difficult for tenants to cope with climbing rents.

DDE is requesting that the Board of Equalization recognize that the valuations provided by the Assessor must, demonstrably, be incorrect given that they so grossly exceed the actual purchase price, other commercial sales in the City of Gunnison, and fail to recognize the condition of the Units. Respectfully, the value should not exceed $2,235,000. The total actual valuation for the Units in 2016 was $2,060,480. The proposed valuation represents an 8.5% increase in value instead of the 62% increase provided under the Notices of Determination.

EXHIBIT A
Page 3 of 3

Sincerely,

Jacob A. With
LAW OF THE ROCKIES

EXHIBIT B
Page 1 of 1

September 13, 2019

VIA FIRST CLASS MAIL
AND HAND DELIVERY

Gunnison County Board of Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

Re: Protest and Appeal of 2019 Real Property Notice of Determination for R032047, R024535, R032037, R032038, R032039, R032040, R032041, R032042, R032043, R032044, R032045, R032046 (Units 1-12, Gunnison Mountain Meadows Mall, or the "Units")

Dear Gunnison County Board of Equalization,

DDE Gunnison Meadows Holdings, LLC ("DDE"), the owner of the Units, does hereby authorize Jacob A. With and Law of the Rockies to file an appeal and protest to the Board of Equalization for the Units, including appearing at any hearings or any other proceedings for the same.

Sincerely,
DDE Gunnison Meadows Holdings, LLC

Jordon Ringel, Member

LAW OF THE
ROCKIES
Attorneys at Law
525 N. Main St.
Gunnison, CO 81230

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 001.45⁰
0000300456 SEP 13 2019
MAILED FROM ZIP CODE 81230

Gunnison County Board of
Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

Received
County Administration
9/16/19 (VIA MAIL)
HAND DELIVERED +
EMAILED COPIES

CBOE #356

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
R032038	2019	100	3701-360-05-003

PROPERTY OWNER	LEGAL DESCRIPTION
DDE GUNNISON MEADOWS HOLDINGS LLC PO BOX 895 CRESTED BUTTE, CO 812240895	UNIT 3 GUNNISON MOUNTAIN MEADOWS MALL #655312

PROPERTY CLASSIFICATION	PROPERTY OWNER'S ESTIMATE OF VALUE	ASSESSOR'S VALUATION	
		ACTUAL VALUE PRIOR TO REVIEW	ACTUAL VALUE AFTER REVIEW
Commercial		226,310	272,730
TOTALS		$226,310	$272,730

Received
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.

The physical inventory of your property has been corrected and our office has determined that your adjusted valuation is correct as indicated.

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.

CBOE #356

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:

R 032047 R032039
R024535 R032040
R032037 R032041
R032038 R032042

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

DDE

R032043
R032044
R032045
R032046

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.)

$ 2,235,000

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 attached Letter

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

970-641-1903
Telephone Number

9-13-19
Date

*Attach letter of authorization signed by property owner.

EXHIBIT A
Page 1 of 3

LAW OF THE ROCKIES

Members
Marcus J. Lock
Jacob A. With
Kendall K. Burgemeister

Of Counsel
John R. Hill, Jr.

Associate
Austin J. Chambers
William P. Edwards*
*Licensed in Utah only

525 N. Main Street, Gunnison, CO 81230 | 970.641.1903
lawoftherockies.com | Fax: 970.641.1943
Email: jwith@lawoftherockies.com

September 13, 2019

VIA FIRST CLASS MAIL
AND HAND DELIVERY

Gunnison County Board of Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

Re: ***Protest and Appeal of 2019 Real Property Notice of Determination for R032047, R024535, R032037, R032038, R032039, R032040, R032041, R032042, R032043, R032044, R032045, R032046 (Units 1-12, Gunnison Mountain Meadows Mall, or the "Units")***

Dear Gunnison County Board of Equalization,

I am writing on behalf of DDE Gunnison Meadows Holdings, LLC ("DDE"), the owner of the Units. The Notice of Determination for these Units is a total of $3,354,210. The valuation for these Units is incorrect as is demonstrated by: (1) DDE purchased the Units on August 17, 2018 for a total purchase price of $2,235,000.00, (2) commercial properties in the City of Gunnison did not sell for more than $187.00 per square foot, yet the Assessor provided values for the Units in excess of $200 per square foot, (3) the Units are in notoriously bad condition, to such an extent that the deleterious parking lot has even been made official gossip in the newspaper, and (4) the actual tenants cannot afford a rental rate that accommodates the tax increase.

DDE purchased the Units on August 17, 2018 for $2,235,000.00. While this falls outside of the assessment period by approximately two months, it is useful in demonstrating that the time adjusted sales price analysis and overall fair market value analysis by the Gunnison County Assessor in this market area is incorrect. This transaction represents the largest number of sales of commercial units in the City of Gunnison in 2018 and demonstrates that at the end of the assessment period, property values had not increased to the values applied by the Assessor.

Indeed, it appears that even the Assessor does not believe that its valuations are reliable. After the initial protest, the Assessor determined that seven Units actually had a higher value than provided in the original valuation, two Units decreased in value, and only three Units

remained the same. The Assessor's valuations cannot be taken at face value and must be reflective of actual sales values and the condition of the Units.

The actual sales values for the 2017 and 2018 timeframe most proximate to the valuation date reveal that the price per square foot for buildings in the City of Gunnison ranged between approximately $82 and $187 per square foot. To argue that these Units somehow fall outside this range is baseless. Nevertheless, the price per square foot provided by the Assessor on many of the Units exceeds $200.

These Units are in notoriously bad condition. Not only are the buildings old and poorly maintained, the poor maintenance is endemic to the development. The parking lot has historically been in such a poor condition that it's been featured in the local newspaper. The Gunnison County Assessor does not take into consideration the overall condition of the development and buildings.

The poor condition of the Units and the development is evidenced by the actual purchase price for the Units. The owner paid a purchase price that reflected the condition of the Units and the development. The poor quality of the Units and development is also reflected in the poor occupancy rates for the building. There is constant turnover in the buildings. If the Assessor adequately took these factors into consideration, the value provided by the Assessor would be comparable to the actual purchase price because it would be predictive of what actual fair market value was as of the end of the appraisal period, which was essentially the date of purchase. It did not. The value provided by the Assessor is, in fact, 66% over value.

The Notice of Determination values for the Units simply are not reflect actual, comparable sales. The values provided by the Assessor do not take into consideration the condition of the Units or the development. Of greatest concern to DDE, however, is that increases in real property taxes are ultimately passed onto tenants. The tenants in these Units will, in many cases, be unable to afford the increased taxes. As is shown by the turnover in the building, businesses struggle to survive in the City of Gunnison. Rental income dictates the value of these Units and the value provided by the City of Gunnison grossly exceeds what is supportable by rents. The leases for the units are triple net leases, which means that tenants will end up paying the increased taxes. As seen by the article in today's newspaper, it is increasingly difficult for tenants to cope with climbing rents.

DDE is requesting that the Board of Equalization recognize that the valuations provided by the Assessor must, demonstrably, be incorrect given that they so grossly exceed the actual purchase price, other commercial sales in the City of Gunnison, and fail to recognize the condition of the Units. Respectfully, the value should not exceed $2,235,000. The total actual valuation for the Units in 2016 was $2,060,480. The proposed valuation represents an 8.5% increase in value instead of the 62% increase provided under the Notices of Determination.

Sincerely,

Jacob A. With
LAW OF THE ROCKIES

EXHIBIT B
Page 1 of 1

September 13, 2019

VIA FIRST CLASS MAIL
AND HAND DELIVERY

Gunnison County Board of Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

Re: ***Protest and Appeal of 2019 Real Property Notice of Determination for R032047, R024535, R032037, R032038, R032039, R032040, R032041, R032042, R032043, R032044, R032045, R032046 (Units 1-12, Gunnison Mountain Meadows Mall, or the "Units")***

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Sincerely,
DDE Gunnison Meadows Holdings, LLC

Jordon Ringel, Member

LAW OF THE
ROCKIES
Attorneys at Law
525 N. Main St.
Gunnison, CO 81230

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 001.45⁰
0000300456 SEP 13 2019
MAILED FROM ZIP CODE 81230

Gunnison County Board of
Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

Received
County Administration
9/16/19 (VIA MAIL)
HAND DELIVERED +
EMAILED COPIES

CBOE # 357

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
R032039	2019	100	3701-360-05-004

PROPERTY OWNER	LEGAL DESCRIPTION
DDE GUNNISON MEADOWS HOLDINGS LLC PO BOX 895 CRESTED BUTTE, CO 812240895	UNIT 4 GUNNISON MOUNTAIN MEADOWS MALL #655312

PROPERTY CLASSIFICATION	PROPERTY OWNER'S ESTIMATE OF VALUE	ASSESSOR'S VALUATION	
		ACTUAL VALUE PRIOR TO REVIEW	ACTUAL VALUE AFTER REVIEW
Commercial		295,940	295,940
TOTALS		$295,940	$295,940

Received
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.

Commercial Sales, which include Commercial Condominiums Sales, in Gunnison County support the indicated value.

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.

CBOE #357

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:

R 032047 R032039
R024535 R032040
R032037 R032041
R032038 R032042

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

DDE

R032043
R032044
R032045
R032046

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/boa

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.)

$ 2,235,000

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 attached Letter

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

970-641-1903
Telephone Number

9-13-19
Date

*Attach letter of authorization signed by property owner.

EXHIBIT A
Page 1 of 3

LAW OF THE ROCKIES

Members
Marcus J. Lock
Jacob A. With
Kendall K. Burgemeister

Of Counsel
John R. Hill, Jr.

Associate
Austin J. Chambers
William P. Edwards*
*Licensed in Utah only

525 N. Main Street, Gunnison, CO 81230 | 970.641.1903
lawoftherockies.com | Fax: 970.641.1943
Email: jwith@lawoftherockies.com

September 13, 2019

VIA FIRST CLASS MAIL
AND HAND DELIVERY

Gunnison County Board of Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

Re: Protest and Appeal of 2019 Real Property Notice of Determination for R032047, R024535, R032037, R032038, R032039, R032040, R032041, R032042, R032043, R032044, R032045, R032046 (Units 1-12, Gunnison Mountain Meadows Mall, or the "Units")

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Sincerely,

Jacob A. With
LAW OF THE ROCKIES

EXHIBIT B
Page 1 of 1

September 13, 2019

VIA FIRST CLASS MAIL
AND HAND DELIVERY

Gunnison County Board of Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

Re: ***Protest and Appeal of 2019 Real Property Notice of Determination for R032047, R024535, R032037, R032038, R032039, R032040, R032041, R032042, R032043, R032044, R032045, R032046 (Units 1-12, Gunnison Mountain Meadows Mall, or the "Units")***

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Sincerely,
DDE Gunnison Meadows Holdings, LLC

Jordon Ringel, Member

LAW OF THE
ROCKIES
Attorneys at Law
525 N. Main St.
Gunnison, CO 81230

UNITED STATES POSTAGE
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02 1P $ 001.45⁰
0000300456 SEP 13 2019
MAILED FROM ZIP CODE 81230

Gunnison County Board of
Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

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CBOE #358

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
R032040	2019	100	3701-360-05-005

PROPERTY OWNER	LEGAL DESCRIPTION
DDE GUNNISON MEADOWS HOLDINGS LLC PO BOX 895 CRESTED BUTTE, CO 812240895	UNIT 5 GUNNISON MOUNTAIN MEADOWS MALL #655312

PROPERTY CLASSIFICATION	PROPERTY OWNER'S ESTIMATE OF VALUE	ASSESSOR'S VALUATION	
		ACTUAL VALUE PRIOR TO REVIEW	ACTUAL VALUE AFTER REVIEW
Commercial		294,090	207,600
TOTALS		$294,090	$207,600

Received
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.

The physical inventory of your property has been corrected and our office has determined that your adjusted valuation is correct as indicated.

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.

CBOE # 358

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:

R 032047 R032039
R024535 R032040
R032037 R032041
R032038 R032042

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

DDE

R032043
R032044
R032045
R032046

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/boa

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.

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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.)

$ 2,235,000

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 attached Letter

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

970-641-1903
Telephone Number

9-13-19
Date

*Attach letter of authorization signed by property owner.

EXHIBIT A
Page 1 of 3

LAW OF THE ROCKIES

Members
Marcus J. Lock
Jacob A. With
Kendall K. Burgemeister

Of Counsel
John R. Hill, Jr.

Associate
Austin J. Chambers
William P. Edwards*
*Licensed in Utah only

525 N. Main Street, Gunnison, CO 81230 | 970.641.1903
lawoftherockies.com | Fax: 970.641.1943
Email: jwith@lawoftherockies.com

September 13, 2019

VIA FIRST CLASS MAIL
AND HAND DELIVERY

Gunnison County Board of Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

Re: ***Protest and Appeal of 2019 Real Property Notice of Determination for R032047, R024535, R032037, R032038, R032039, R032040, R032041, R032042, R032043, R032044, R032045, R032046 (Units 1-12, Gunnison Mountain Meadows Mall, or the "Units")***

Dear Gunnison County Board of Equalization,

I am writing on behalf of DDE Gunnison Meadows Holdings, LLC ("DDE"), the owner of the Units. The Notice of Determination for these Units is a total of $3,354,210. The valuation for these Units is incorrect as is demonstrated by: (1) DDE purchased the Units on August 17, 2018 for a total purchase price of $2,235,000.00, (2) commercial properties in the City of Gunnison did not sell for more than $187.00 per square foot, yet the Assessor provided values for the Units in excess of $200 per square foot, (3) the Units are in notoriously bad condition, to such an extent that the deleterious parking lot has even been made official gossip in the newspaper, and (4) the actual tenants cannot afford a rental rate that accommodates the tax increase.

DDE purchased the Units on August 17, 2018 for $2,235,000.00. While this falls outside of the assessment period by approximately two months, it is useful in demonstrating that the time adjusted sales price analysis and overall fair market value analysis by the Gunnison County Assessor in this market area is incorrect. This transaction represents the largest number of sales of commercial units in the City of Gunnison in 2018 and demonstrates that at the end of the assessment period, property values had not increased to the values applied by the Assessor.

Indeed, it appears that even the Assessor does not believe that its valuations are reliable. After the initial protest, the Assessor determined that seven Units actually had a higher value than provided in the original valuation, two Units decreased in value, and only three Units

remained the same. The Assessor's valuations cannot be taken at face value and must be reflective of actual sales values and the condition of the Units.

The actual sales values for the 2017 and 2018 timeframe most proximate to the valuation date reveal that the price per square foot for buildings in the City of Gunnison ranged between approximately $82 and $187 per square foot. To argue that these Units somehow fall outside this range is baseless. Nevertheless, the price per square foot provided by the Assessor on many of the Units exceeds $200.

These Units are in notoriously bad condition. Not only are the buildings old and poorly maintained, the poor maintenance is endemic to the development. The parking lot has historically been in such a poor condition that it's been featured in the local newspaper. The Gunnison County Assessor does not take into consideration the overall condition of the development and buildings.

The poor condition of the Units and the development is evidenced by the actual purchase price for the Units. The owner paid a purchase price that reflected the condition of the Units and the development. The poor quality of the Units and development is also reflected in the poor occupancy rates for the building. There is constant turnover in the buildings. If the Assessor adequately took these factors into consideration, the value provided by the Assessor would be comparable to the actual purchase price because it would be predictive of what actual fair market value was as of the end of the appraisal period, which was essentially the date of purchase. It did not. The value provided by the Assessor is, in fact, 66% over value.

The Notice of Determination values for the Units simply are not reflect actual, comparable sales. The values provided by the Assessor do not take into consideration the condition of the Units or the development. Of greatest concern to DDE, however, is that increases in real property taxes are ultimately passed onto tenants. The tenants in these Units will, in many cases, be unable to afford the increased taxes. As is shown by the turnover in the building, businesses struggle to survive in the City of Gunnison. Rental income dictates the value of these Units and the value provided by the City of Gunnison grossly exceeds what is supportable by rents. The leases for the units are triple net leases, which means that tenants will end up paying the increased taxes. As seen by the article in today's newspaper, it is increasingly difficult for tenants to cope with climbing rents.

DDE is requesting that the Board of Equalization recognize that the valuations provided by the Assessor must, demonstrably, be incorrect given that they so grossly exceed the actual purchase price, other commercial sales in the City of Gunnison, and fail to recognize the condition of the Units. Respectfully, the value should not exceed $2,235,000. The total actual valuation for the Units in 2016 was $2,060,480. The proposed valuation represents an 8.5% increase in value instead of the 62% increase provided under the Notices of Determination.

EXHIBIT A
Page 3 of 3

Sincerely,

Jacob A. With
LAW OF THE ROCKIES

EXHIBIT B
Page 1 of 1

September 13, 2019

VIA FIRST CLASS MAIL
AND HAND DELIVERY

Gunnison County Board of Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

Re: Protest and Appeal of 2019 Real Property Notice of Determination for R032047, R024535, R032037, R032038, R032039, R032040, R032041, R032042, R032043, R032044, R032045, R032046 (Units 1-12, Gunnison Mountain Meadows Mall, or the "Units")

Dear Gunnison County Board of Equalization,

DDE Gunnison Meadows Holdings, LLC ("DDE"), the owner of the Units, does hereby authorize Jacob A. With and Law of the Rockies to file an appeal and protest to the Board of Equalization for the Units, including appearing at any hearings or any other proceedings for the same.

Sincerely,
DDE Gunnison Meadows Holdings, LLC

Jordon Ringel, Member

LAW OF THE
ROCKIES
Attorneys at Law
525 N. Main St.
Gunnison, CO 81230

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 001.45⁰
0000300456 SEP 13 2019
MAILED FROM ZIP CODE 81230

Gunnison County Board of
Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

Received
County Administration
9/16/19 (VIA MAIL)
HAND DELIVERED +
EMAILED COPIES

CBOE #359

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
R032041	2019	100	3701-360-05-006

PROPERTY OWNER	LEGAL DESCRIPTION
DDE GUNNISON MEADOWS HOLDINGS LLC PO BOX 895 CRESTED BUTTE, CO 812240895	UNIT 6 GUNNISON MOUNTAIN MEADOWS MALL #655312

PROPERTY CLASSIFICATION	PROPERTY OWNER'S ESTIMATE OF VALUE	ASSESSOR'S VALUATION	
		ACTUAL VALUE PRIOR TO REVIEW	ACTUAL VALUE AFTER REVIEW
Commercial		222,650	222,650
TOTALS		$222,650	$222,650

Received
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.

Commercial Sales, which include Commercial Condominiums Sales, in Gunnison County support the indicated value.

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.

CBOE #369

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:

R 032047 R032039
R024535 R032040
R032037 R032041
R032038 R032042

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

DDE

R032043
R032044
R032045
R032046

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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.

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Denver, CO 80203
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www.dola.colorado.gov/boa

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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.)

$ 2,235,000

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 attached Letter

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

970-641-1903
Telephone Number

9-13-19
Date

*Attach letter of authorization signed by property owner.

EXHIBIT A
Page 1 of 3

LAW OF THE ROCKIES

Members
Marcus J. Lock
Jacob A. With
Kendall K. Burgemeister

Of Counsel
John R. Hill, Jr.

Associate
Austin J. Chambers
William P. Edwards*
*Licensed in Utah only

525 N. Main Street, Gunnison, CO 81230 | 970.641.1903
lawoftherockies.com | Fax: 970.641.1943
Email: jwith@lawoftherockies.com

September 13, 2019

VIA FIRST CLASS MAIL
AND HAND DELIVERY

Gunnison County Board of Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

Re: Protest and Appeal of 2019 Real Property Notice of Determination for R032047, R024535, R032037, R032038, R032039, R032040, R032041, R032042, R032043, R032044, R032045, R032046 (Units 1-12, Gunnison Mountain Meadows Mall, or the "Units")

Dear Gunnison County Board of Equalization,

I am writing on behalf of DDE Gunnison Meadows Holdings, LLC ("DDE"), the owner of the Units. The Notice of Determination for these Units is a total of $3,354,210. The valuation for these Units is incorrect as is demonstrated by: (1) DDE purchased the Units on August 17, 2018 for a total purchase price of $2,235,000.00, (2) commercial properties in the City of Gunnison did not sell for more than $187.00 per square foot, yet the Assessor provided values for the Units in excess of $200 per square foot, (3) the Units are in notoriously bad condition, to such an extent that the deleterious parking lot has even been made official gossip in the newspaper, and (4) the actual tenants cannot afford a rental rate that accommodates the tax increase.

DDE purchased the Units on August 17, 2018 for $2,235,000.00. While this falls outside of the assessment period by approximately two months, it is useful in demonstrating that the time adjusted sales price analysis and overall fair market value analysis by the Gunnison County Assessor in this market area is incorrect. This transaction represents the largest number of sales of commercial units in the City of Gunnison in 2018 and demonstrates that at the end of the assessment period, property values had not increased to the values applied by the Assessor.

Indeed, it appears that even the Assessor does not believe that its valuations are reliable. After the initial protest, the Assessor determined that seven Units actually had a higher value than provided in the original valuation, two Units decreased in value, and only three Units

remained the same. The Assessor's valuations cannot be taken at face value and must be reflective of actual sales values and the condition of the Units.

The actual sales values for the 2017 and 2018 timeframe most proximate to the valuation date reveal that the price per square foot for buildings in the City of Gunnison ranged between approximately $82 and $187 per square foot. To argue that these Units somehow fall outside this range is baseless. Nevertheless, the price per square foot provided by the Assessor on many of the Units exceeds $200.

These Units are in notoriously bad condition. Not only are the buildings old and poorly maintained, the poor maintenance is endemic to the development. The parking lot has historically been in such a poor condition that it's been featured in the local newspaper. The Gunnison County Assessor does not take into consideration the overall condition of the development and buildings.

The poor condition of the Units and the development is evidenced by the actual purchase price for the Units. The owner paid a purchase price that reflected the condition of the Units and the development. The poor quality of the Units and development is also reflected in the poor occupancy rates for the building. There is constant turnover in the buildings. If the Assessor adequately took these factors into consideration, the value provided by the Assessor would be comparable to the actual purchase price because it would be predictive of what actual fair market value was as of the end of the appraisal period, which was essentially the date of purchase. It did not. The value provided by the Assessor is, in fact, 66% over value.

The Notice of Determination values for the Units simply are not reflect actual, comparable sales. The values provided by the Assessor do not take into consideration the condition of the Units or the development. Of greatest concern to DDE, however, is that increases in real property taxes are ultimately passed onto tenants. The tenants in these Units will, in many cases, be unable to afford the increased taxes. As is shown by the turnover in the building, businesses struggle to survive in the City of Gunnison. Rental income dictates the value of these Units and the value provided by the City of Gunnison grossly exceeds what is supportable by rents. The leases for the units are triple net leases, which means that tenants will end up paying the increased taxes. As seen by the article in today's newspaper, it is increasingly difficult for tenants to cope with climbing rents.

DDE is requesting that the Board of Equalization recognize that the valuations provided by the Assessor must, demonstrably, be incorrect given that they so grossly exceed the actual purchase price, other commercial sales in the City of Gunnison, and fail to recognize the condition of the Units. Respectfully, the value should not exceed $2,235,000. The total actual valuation for the Units in 2016 was $2,060,480. The proposed valuation represents an 8.5% increase in value instead of the 62% increase provided under the Notices of Determination.

Sincerely,

Jacob A. With
LAW OF THE ROCKIES

EXHIBIT B
Page 1 of 1

September 13, 2019

VIA FIRST CLASS MAIL
AND HAND DELIVERY

Gunnison County Board of Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

Re: Protest and Appeal of 2019 Real Property Notice of Determination for R032047, R024535, R032037, R032038, R032039, R032040, R032041, R032042, R032043, R032044, R032045, R032046 (Units 1-12, Gunnison Mountain Meadows Mall, or the "Units")

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Sincerely,
DDE Gunnison Meadows Holdings, LLC

Jordon Ringel, Member

LAW OF THE
ROCKIES
Attorneys at Law
525 N. Main St.
Gunnison, CO 81230

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 001.45⁰
0000300456 SEP 13 2019
MAILED FROM ZIP CODE 81230

Gunnison County Board of
Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

Received
County Administration
9/16/19 (VIA MAIL)
HAND DELIVERED +
EMAILED COPIES

CBOE #360

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
R032042	2019	100	3701-360-05-007

PROPERTY OWNER	LEGAL DESCRIPTION
DDE GUNNISON MEADOWS HOLDINGS LLC PO BOX 895 CRESTED BUTTE, CO 812240895	UNIT 7 GUNNISON MOUNTAIN MEADOWS MALL #655289

PROPERTY CLASSIFICATION	PROPERTY OWNER'S ESTIMATE OF VALUE	ASSESSOR'S VALUATION	
		ACTUAL VALUE PRIOR TO REVIEW	ACTUAL VALUE AFTER REVIEW
Commercial		222,650	222,650
TOTALS		$222,650	$222,650

Received
County Administration
9/16/19

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CBOE #360

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R 032047 R032039
R024535 R032040
R032037 R032041
R032038 R032042

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

DDE

R032043
R032044
R032045
R032046

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PETITION TO COUNTY BOARD OF EQUALIZATION

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ATTESTATION

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Signature

970-641-1903
Telephone Number

9-13-19
Date

*Attach letter of authorization signed by property owner.

EXHIBIT A
Page 1 of 3

LAW OF THE ROCKIES

Members
Marcus J. Lock
Jacob A. With
Kendall K. Burgemeister

Of Counsel
John R. Hill, Jr.

Associate
Austin J. Chambers
William P. Edwards*
*Licensed in Utah only

525 N. Main Street, Gunnison, CO 81230 | 970.641.1903
lawoftherockies.com | Fax: 970.641.1943
Email: jwith@lawoftherockies.com

September 13, 2019

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AND HAND DELIVERY

Gunnison County Board of Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

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The actual sales values for the 2017 and 2018 timeframe most proximate to the valuation date reveal that the price per square foot for buildings in the City of Gunnison ranged between approximately $82 and $187 per square foot. To argue that these Units somehow fall outside this range is baseless. Nevertheless, the price per square foot provided by the Assessor on many of the Units exceeds $200.

These Units are in notoriously bad condition. Not only are the buildings old and poorly maintained, the poor maintenance is endemic to the development. The parking lot has historically been in such a poor condition that it's been featured in the local newspaper. The Gunnison County Assessor does not take into consideration the overall condition of the development and buildings.

The poor condition of the Units and the development is evidenced by the actual purchase price for the Units. The owner paid a purchase price that reflected the condition of the Units and the development. The poor quality of the Units and development is also reflected in the poor occupancy rates for the building. There is constant turnover in the buildings. If the Assessor adequately took these factors into consideration, the value provided by the Assessor would be comparable to the actual purchase price because it would be predictive of what actual fair market value was as of the end of the appraisal period, which was essentially the date of purchase. It did not. The value provided by the Assessor is, in fact, 66% over value.

The Notice of Determination values for the Units simply are not reflect actual, comparable sales. The values provided by the Assessor do not take into consideration the condition of the Units or the development. Of greatest concern to DDE, however, is that increases in real property taxes are ultimately passed onto tenants. The tenants in these Units will, in many cases, be unable to afford the increased taxes. As is shown by the turnover in the building, businesses struggle to survive in the City of Gunnison. Rental income dictates the value of these Units and the value provided by the City of Gunnison grossly exceeds what is supportable by rents. The leases for the units are triple net leases, which means that tenants will end up paying the increased taxes. As seen by the article in today's newspaper, it is increasingly difficult for tenants to cope with climbing rents.

DDE is requesting that the Board of Equalization recognize that the valuations provided by the Assessor must, demonstrably, be incorrect given that they so grossly exceed the actual purchase price, other commercial sales in the City of Gunnison, and fail to recognize the condition of the Units. Respectfully, the value should not exceed $2,235,000. The total actual valuation for the Units in 2016 was $2,060,480. The proposed valuation represents an 8.5% increase in value instead of the 62% increase provided under the Notices of Determination.

EXHIBIT A
Page 3 of 3

Sincerely,

Jacob A. With
LAW OF THE ROCKIES

EXHIBIT B
Page 1 of 1

September 13, 2019

VIA FIRST CLASS MAIL
AND HAND DELIVERY

Gunnison County Board of Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

Re: ***Protest and Appeal of 2019 Real Property Notice of Determination for R032047, R024535, R032037, R032038, R032039, R032040, R032041, R032042, R032043, R032044, R032045, R032046 (Units 1-12, Gunnison Mountain Meadows Mall, or the "Units")***

Dear Gunnison County Board of Equalization,

DDE Gunnison Meadows Holdings, LLC ("DDE"), the owner of the Units, does hereby authorize Jacob A. With and Law of the Rockies to file an appeal and protest to the Board of Equalization for the Units, including appearing at any hearings or any other proceedings for the same.

Sincerely,
DDE Gunnison Meadows Holdings, LLC

Jordon Ringel, Member

LAW OF THE
ROCKIES
Attorneys at Law
525 N. Main St.
Gunnison, CO 81230

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 001.45⁰
0000300456 SEP 13 2019
MAILED FROM ZIP CODE 81230

Gunnison County Board of
Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

Received
County Administration
9/16/19 (VIA MAIL)
HAND DELIVERED +
EMAILED COPIES

CBOE #361

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
R032043	2019	100	3701-360-05-008

PROPERTY OWNER	LEGAL DESCRIPTION
DDE GUNNISON MEADOWS HOLDINGS LLC PO BOX 895 CRESTED BUTTE, CO 812240895	UNIT 8 GUNNISON MOUNTAIN MEADOWS MALL #655289

PROPERTY CLASSIFICATION	PROPERTY OWNER'S ESTIMATE OF VALUE	ASSESSOR'S VALUATION	
		ACTUAL VALUE PRIOR TO REVIEW	ACTUAL VALUE AFTER REVIEW
Commercial		293,630	330,360
TOTALS		$293,630	$330,360

Received
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.

The physical inventory of your property has been corrected and our office has determined that your adjusted valuation is correct as indicated.

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.

CBOE #361

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:

R 032047 R032039
R024535 R032040
R032037 R032041
R032038 R032042

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

DDE

R032043
R032044
R032045
R032046

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/boa

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.)

$ 2,235,000

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 attached Letter

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

970-641-1903
Telephone Number

9-13-19
Date

*Attach letter of authorization signed by property owner.

EXHIBIT A
Page 1 of 3

LAW OF THE ROCKIES

Members
Marcus J. Lock
Jacob A. With
Kendall K. Burgemeister

Of Counsel
John R. Hill, Jr.

Associate
Austin J. Chambers
William P. Edwards*
*Licensed in Utah only

525 N. Main Street, Gunnison, CO 81230 | 970.641.1903
lawoftherockies.com | Fax: 970.641.1943
Email: jwith@lawoftherockies.com

September 13, 2019

VIA FIRST CLASS MAIL
AND HAND DELIVERY

Gunnison County Board of Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

Re: ***Protest and Appeal of 2019 Real Property Notice of Determination for R032047, R024535, R032037, R032038, R032039, R032040, R032041, R032042, R032043, R032044, R032045, R032046 (Units 1-12, Gunnison Mountain Meadows Mall, or the "Units")***

Dear Gunnison County Board of Equalization,

I am writing on behalf of DDE Gunnison Meadows Holdings, LLC ("DDE"), the owner of the Units. The Notice of Determination for these Units is a total of $3,354,210. The valuation for these Units is incorrect as is demonstrated by: (1) DDE purchased the Units on August 17, 2018 for a total purchase price of $2,235,000.00, (2) commercial properties in the City of Gunnison did not sell for more than $187.00 per square foot, yet the Assessor provided values for the Units in excess of $200 per square foot, (3) the Units are in notoriously bad condition, to such an extent that the deleterious parking lot has even been made official gossip in the newspaper, and (4) the actual tenants cannot afford a rental rate that accommodates the tax increase.

DDE purchased the Units on August 17, 2018 for $2,235,000.00. While this falls outside of the assessment period by approximately two months, it is useful in demonstrating that the time adjusted sales price analysis and overall fair market value analysis by the Gunnison County Assessor in this market area is incorrect. This transaction represents the largest number of sales of commercial units in the City of Gunnison in 2018 and demonstrates that at the end of the assessment period, property values had not increased to the values applied by the Assessor.

Indeed, it appears that even the Assessor does not believe that its valuations are reliable. After the initial protest, the Assessor determined that seven Units actually had a higher value than provided in the original valuation, two Units decreased in value, and only three Units

remained the same. The Assessor's valuations cannot be taken at face value and must be reflective of actual sales values and the condition of the Units.

The actual sales values for the 2017 and 2018 timeframe most proximate to the valuation date reveal that the price per square foot for buildings in the City of Gunnison ranged between approximately $82 and $187 per square foot. To argue that these Units somehow fall outside this range is baseless. Nevertheless, the price per square foot provided by the Assessor on many of the Units exceeds $200.

These Units are in notoriously bad condition. Not only are the buildings old and poorly maintained, the poor maintenance is endemic to the development. The parking lot has historically been in such a poor condition that it's been featured in the local newspaper. The Gunnison County Assessor does not take into consideration the overall condition of the development and buildings.

The poor condition of the Units and the development is evidenced by the actual purchase price for the Units. The owner paid a purchase price that reflected the condition of the Units and the development. The poor quality of the Units and development is also reflected in the poor occupancy rates for the building. There is constant turnover in the buildings. If the Assessor adequately took these factors into consideration, the value provided by the Assessor would be comparable to the actual purchase price because it would be predictive of what actual fair market value was as of the end of the appraisal period, which was essentially the date of purchase. It did not. The value provided by the Assessor is, in fact, 66% over value.

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EXHIBIT A
Page 3 of 3

Sincerely,

Jacob A. With
LAW OF THE ROCKIES

EXHIBIT B
Page 1 of 1

September 13, 2019

VIA FIRST CLASS MAIL
AND HAND DELIVERY

Gunnison County Board of Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

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Jordon Ringel, Member

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Attorneys at Law
525 N. Main St.
Gunnison, CO 81230

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200 E. Virginia Ave.
Gunnison, CO 81230

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CBOE #362

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
R032044	2019	100	3701-360-05-009

PROPERTY OWNER	LEGAL DESCRIPTION
DDE GUNNISON MEADOWS HOLDINGS LLC PO BOX 895 CRESTED BUTTE, CO 812240895	UNIT 9 GUNNISON MOUNTAIN MEADOWS MALL #655289

PROPERTY CLASSIFICATION	PROPERTY OWNER'S ESTIMATE OF VALUE	ASSESSOR'S VALUATION	
		ACTUAL VALUE PRIOR TO REVIEW	ACTUAL VALUE AFTER REVIEW
Commercial		293,630	330,360
TOTALS		$293,630	$330,360

Received
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:

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CBOE #362

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R 032047 R032039
R024535 R032040
R032037 R032041
R032038 R032042

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

DDE

R032043
R032044
R032045
R032046

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$ 2,235,000

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 attached Letter

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

970-641-1903
Telephone Number

9-13-19
Date

*Attach letter of authorization signed by property owner.

EXHIBIT A
Page 1 of 3

LAW OF THE ROCKIES

Members
Marcus J. Lock
Jacob A. With
Kendall K. Burgemeister

Of Counsel
John R. Hill, Jr.

Associate
Austin J. Chambers
William P. Edwards*
*Licensed in Utah only

525 N. Main Street, Gunnison, CO 81230 | 970.641.1903
lawoftherockies.com | Fax: 970.641.1943
Email: jwith@lawoftherockies.com

September 13, 2019

VIA FIRST CLASS MAIL
AND HAND DELIVERY

Gunnison County Board of Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

Re: ***Protest and Appeal of 2019 Real Property Notice of Determination for R032047, R024535, R032037, R032038, R032039, R032040, R032041, R032042, R032043, R032044, R032045, R032046 (Units 1-12, Gunnison Mountain Meadows Mall, or the "Units")***

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EXHIBIT A
Page 3 of 3

Sincerely,

Jacob A. With
LAW OF THE ROCKIES

EXHIBIT B
Page 1 of 1

September 13, 2019

VIA FIRST CLASS MAIL
AND HAND DELIVERY

Gunnison County Board of Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

Re: ***Protest and Appeal of 2019 Real Property Notice of Determination for R032047, R024535, R032037, R032038, R032039, R032040, R032041, R032042, R032043, R032044, R032045, R032046 (Units 1-12, Gunnison Mountain Meadows Mall, or the "Units")***

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Jordon Ringel, Member

LAW OF THE
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Attorneys at Law
525 N. Main St.
Gunnison, CO 81230

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Gunnison, CO 81230

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CBOE # 363

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
R032045	2019	100	3701-360-05-010

PROPERTY OWNER	LEGAL DESCRIPTION
DDE GUNNISON MEADOWS HOLDINGS LLC PO BOX 895 CRESTED BUTTE, CO 812240895	UNIT 10 GUNNISON MOUNTAIN MEADOWS MALL #655289

PROPERTY CLASSIFICATION	PROPERTY OWNER'S ESTIMATE OF VALUE	ASSESSOR'S VALUATION	
		ACTUAL VALUE PRIOR TO REVIEW	ACTUAL VALUE AFTER REVIEW
Commercial		295,170	331,850
TOTALS		$295,170	$331,850

Received
County Administration
9/16/19

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CBOE #363

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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:

R 032047 R032039
R024535 R032040
R032037 R032041
R032038 R032042

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

DDE

R032043
R032044
R032045
R032046

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.)

$ 2,235,000

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 attached Letter

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

970-641-1903
Telephone Number

9-13-19
Date

*Attach letter of authorization signed by property owner.

EXHIBIT A
Page 1 of 3

LAW OF THE ROCKIES

Members
Marcus J. Lock
Jacob A. With
Kendall K. Burgemeister

Of Counsel
John R. Hill, Jr.

Associate
Austin J. Chambers
William P. Edwards*
*Licensed in Utah only

525 N. Main Street, Gunnison, CO 81230 | 970.641.1903
lawoftherockies.com | Fax: 970.641.1943
Email: jwith@lawoftherockies.com

September 13, 2019

VIA FIRST CLASS MAIL
AND HAND DELIVERY

Gunnison County Board of Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

Re: ***Protest and Appeal of 2019 Real Property Notice of Determination for R032047, R024535, R032037, R032038, R032039, R032040, R032041, R032042, R032043, R032044, R032045, R032046 (Units 1-12, Gunnison Mountain Meadows Mall, or the "Units")***

Dear Gunnison County Board of Equalization,

I am writing on behalf of DDE Gunnison Meadows Holdings, LLC ("DDE"), the owner of the Units. The Notice of Determination for these Units is a total of $3,354,210. The valuation for these Units is incorrect as is demonstrated by: (1) DDE purchased the Units on August 17, 2018 for a total purchase price of $2,235,000.00, (2) commercial properties in the City of Gunnison did not sell for more than $187.00 per square foot, yet the Assessor provided values for the Units in excess of $200 per square foot, (3) the Units are in notoriously bad condition, to such an extent that the deleterious parking lot has even been made official gossip in the newspaper, and (4) the actual tenants cannot afford a rental rate that accommodates the tax increase.

DDE purchased the Units on August 17, 2018 for $2,235,000.00. While this falls outside of the assessment period by approximately two months, it is useful in demonstrating that the time adjusted sales price analysis and overall fair market value analysis by the Gunnison County Assessor in this market area is incorrect. This transaction represents the largest number of sales of commercial units in the City of Gunnison in 2018 and demonstrates that at the end of the assessment period, property values had not increased to the values applied by the Assessor.

Indeed, it appears that even the Assessor does not believe that its valuations are reliable. After the initial protest, the Assessor determined that seven Units actually had a higher value than provided in the original valuation, two Units decreased in value, and only three Units

remained the same. The Assessor's valuations cannot be taken at face value and must be reflective of actual sales values and the condition of the Units.

The actual sales values for the 2017 and 2018 timeframe most proximate to the valuation date reveal that the price per square foot for buildings in the City of Gunnison ranged between approximately $82 and $187 per square foot. To argue that these Units somehow fall outside this range is baseless. Nevertheless, the price per square foot provided by the Assessor on many of the Units exceeds $200.

These Units are in notoriously bad condition. Not only are the buildings old and poorly maintained, the poor maintenance is endemic to the development. The parking lot has historically been in such a poor condition that it's been featured in the local newspaper. The Gunnison County Assessor does not take into consideration the overall condition of the development and buildings.

The poor condition of the Units and the development is evidenced by the actual purchase price for the Units. The owner paid a purchase price that reflected the condition of the Units and the development. The poor quality of the Units and development is also reflected in the poor occupancy rates for the building. There is constant turnover in the buildings. If the Assessor adequately took these factors into consideration, the value provided by the Assessor would be comparable to the actual purchase price because it would be predictive of what actual fair market value was as of the end of the appraisal period, which was essentially the date of purchase. It did not. The value provided by the Assessor is, in fact, 66% over value.

The Notice of Determination values for the Units simply are not reflect actual, comparable sales. The values provided by the Assessor do not take into consideration the condition of the Units or the development. Of greatest concern to DDE, however, is that increases in real property taxes are ultimately passed onto tenants. The tenants in these Units will, in many cases, be unable to afford the increased taxes. As is shown by the turnover in the building, businesses struggle to survive in the City of Gunnison. Rental income dictates the value of these Units and the value provided by the City of Gunnison grossly exceeds what is supportable by rents. The leases for the units are triple net leases, which means that tenants will end up paying the increased taxes. As seen by the article in today's newspaper, it is increasingly difficult for tenants to cope with climbing rents.

DDE is requesting that the Board of Equalization recognize that the valuations provided by the Assessor must, demonstrably, be incorrect given that they so grossly exceed the actual purchase price, other commercial sales in the City of Gunnison, and fail to recognize the condition of the Units. Respectfully, the value should not exceed $2,235,000. The total actual valuation for the Units in 2016 was $2,060,480. The proposed valuation represents an 8.5% increase in value instead of the 62% increase provided under the Notices of Determination.

EXHIBIT A
Page 3 of 3

Sincerely,

Jacob A. With
LAW OF THE ROCKIES

EXHIBIT B
Page 1 of 1

September 13, 2019

VIA FIRST CLASS MAIL
AND HAND DELIVERY

Gunnison County Board of Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

Re: ***Protest and Appeal of 2019 Real Property Notice of Determination for R032047, R024535, R032037, R032038, R032039, R032040, R032041, R032042, R032043, R032044, R032045, R032046 (Units 1-12, Gunnison Mountain Meadows Mall, or the "Units")***

Dear Gunnison County Board of Equalization,

DDE Gunnison Meadows Holdings, LLC ("DDE"), the owner of the Units, does hereby authorize Jacob A. With and Law of the Rockies to file an appeal and protest to the Board of Equalization for the Units, including appearing at any hearings or any other proceedings for the same.

Sincerely,
DDE Gunnison Meadows Holdings, LLC

Jordon Ringel, Member

LAW OF THE
ROCKIES
Attorneys at Law
525 N. Main St.
Gunnison, CO 81230

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 001.45⁰
0000300456 SEP 13 2019
MAILED FROM ZIP CODE 81230

Gunnison County Board of
Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

Received
County Administration
9/16/19 (VIA MAIL)
HAND DELIVERED +
EMAILED COPIES

CBOE #364

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
R032046	2019	100	3701-360-05-011

PROPERTY OWNER	LEGAL DESCRIPTION
DDE GUNNISON MEADOWS HOLDINGS LLC PO BOX 895 CRESTED BUTTE, CO 812240895	UNIT 11 GUNNISON MOUNTAIN MEADOWS MALL #655289

PROPERTY CLASSIFICATION		PROPERTY OWNER'S ESTIMATE OF VALUE	ASSESSOR'S VALUATION	
			ACTUAL VALUE PRIOR TO REVIEW	ACTUAL VALUE AFTER REVIEW
Commercial			293,630	330,360
	TOTALS		$293,630	$330,360

Received
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.

The physical inventory of your property has been corrected and our office has determined that your adjusted valuation is correct as indicated.

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.

CBOE #364

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:

R032047 R032039
R024535 R032040
R032037 R032041
R032038 R032042

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

DDE

R032043
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See attached Letter

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

970-641-1903
Telephone Number

9-13-19
Date

*Attach letter of authorization signed by property owner.

EXHIBIT A3
Page 1 of 3

LAW OF THE ROCKIES

Members
Marcus J. Lock
Jacob A. With
Kendall K. Burgemeister

Of Counsel
John R. Hill, Jr.

Associate
Austin J. Chambers
William P. Edwards*
*Licensed in Utah only

525 N. Main Street, Gunnison, CO 81230 | 970.641.1903
lawoftherockies.com | Fax: 970.641.1943
Email: jwith@lawoftherockies.com

September 13, 2019

VIA FIRST CLASS MAIL
AND HAND DELIVERY

Gunnison County Board of Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

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EXHIBIT A
Page 3 of 3

Sincerely,

Jacob A. With
LAW OF THE ROCKIES

EXHIBIT B
Page 1 of 1

September 13, 2019

VIA FIRST CLASS MAIL
AND HAND DELIVERY

Gunnison County Board of Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

Re: ***Protest and Appeal of 2019 Real Property Notice of Determination for R032047, R024535, R032037, R032038, R032039, R032040, R032041, R032042, R032043, R032044, R032045, R032046 (Units 1-12, Gunnison Mountain Meadows Mall, or the "Units")***

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Sincerely,
DDE Gunnison Meadows Holdings, LLC

Jordon Ringel, Member

LAW OF THE
ROCKIES
Attorneys at Law
525 N. Main St.
Gunnison, CO 81230

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 001.45⁰
0000300456 SEP 13 2019
MAILED FROM ZIP CODE 81230

Gunnison County Board of
Equalization
200 E. Virginia Ave.
Gunnison, CO 81230

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