

DUE DATE PETITION FOR ABATEMENT OR REFUND OF TAXES

County: Boulder

Date Received _____
RECEIVED
(Assessor's or Commissioners' Date Stamp)
By Boulder County Assessor at 6:48 am, Jun 06, 2022

Section I: Petitioner, please complete Section I only.

Date: June 3, 2022
Month Day Year

RECEIVED
June 6, 2022
Appeals Coordinator

Petitioner's Name: o Switzerland Trail, LLC / Jeffrey R Cantrell

Petitioner's Mailing Address: 4800 Baseline Rd Suite D203
Boulder, CO 80303
City or Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)	PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
<u>R0028649</u>	<u>o Switzerland Trail (Unincorporated 80302)</u>

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for the property tax year 2021 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error, or overvaluation. Attach additional sheets if necessary.)

In the year 2020, this property was listed for sale on the MLS for \$130,000 by a real-estate professional. The property did not sell for several months. In February of 2021, the o Switzerland Trail, LLC purchased for \$100,000 - what I believe is the current value. This is unimproved land with no services, located 2.5 miles on an unmaintained road. Per Boulder county building codes, this parcel is essentially unbuildable.

Petitioner's estimate of value: \$ \$100,000 (2021)
Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information, and belief, is true, correct, and complete.

Petitioner's Signature Daytime Phone Number (303) 579-0429
Email elkhnr86@gmail.com

By _____ Daytime Phone Number (_____)
Agent's Signature*

Printed Name: _____ Email _____

*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-116, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II: Assessor's Recommendation
(For Assessor's Use Only)

Tax Year 2021

	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>
Original	<u>276700</u>	<u>80243</u>	<u>6732.39</u>
Corrected	<u>170000</u>	<u>49300</u>	<u>4,136.27</u>
Abate/Refund	<u>106700</u>	<u>30943</u>	<u>2,596.12</u>

Assessor recommends approval as outlined above.

If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(I)(D), C.R.S.

Tax year: _____ Protest? No Yes (If a protest was filed, please attach a copy of the NOD.)

Assessor recommends denial for the following reason(s):

Assessor's or Deputy Assessor's Signature

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY

(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to § 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition, § 39-1-113(1.7), C.R.S.

Section III: Written Mutual Agreement of Assessor and Petitioner
(Only for abatements up to \$10,000)

The Commissioners of _____ County authorize the Assessor by Resolution No. _____ to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$10,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year _____			Tax Year _____		
	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>
Original	_____	_____	_____	_____	_____	_____
Corrected	_____	_____	_____	_____	_____	_____
Abate/Refund	_____	_____	_____	_____	_____	_____

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

Petitioner's Signature

Date

Assessor's or Deputy Assessor's Signature

Date

Section IV: Decision of the County Commissioners
(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of _____ County, State of Colorado, at a duly and lawfully called regular meeting held on ____/____/____, at which meeting there were present the following members:

Month Day Year

with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor _____ (~~being present~~ **not present**) and Name

Petitioner _____ (~~being present~~ **not present**), and WHEREAS, the said Name

County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED, that the Board (~~agrees~~ **does not agree**) with the recommendation of the Assessor and the petition be (~~approved~~ **approved in part** ~~denied~~) with an abatement/refund as follows:

Year	Assessed Value	Taxes Abate/Refund	Year	Assessed Value	Taxes Abate/Refund
_____	_____	_____	_____	_____	_____

Chairperson of the Board of County Commissioners' Signature

I, _____ County Clerk and Ex-officio Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied from the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County

this _____ day of _____, _____.

County Clerk's or Deputy County Clerk's Signature

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

Section V: Action of the Property Tax Administrator
(For all abatements greater than \$10,000)

The action of the Board of County Commissioners, relative to this abatement petition, is hereby

Approved Approved in part \$ _____ Denied for the following reason(s):

Secretary's Signature

Property Tax Administrator's Signature

Date

**BOULDER COUNTY ABATEMENT HEARING
HEARING OFFICER FINDINGS AND RECOMMENDATIONS**

HEARING DATE & TIME: December 13, 2022; 10am

HEARING OFFICER: Lori Freedman

ASSESSOR REPRESENTATIVE: Brennan, Cathy

PETITIONER'S NAME: Jeffrey Cantrell

ACCOUNT NAME: 0 SWITZERLAND TRAIL LLC

AGENT: _____

ACCOUNT NUMBER: R0028649

YEAR: 2021

THE PETITIONER WAS (check one): Present
 Not Present
 Agent: _____

RECOMMENDATIONS:

PETITION:

Approve Petition
 Approve Petition in Part
 Deny Petition

CLASSIFICATION:

Same
 Change to: _____

Settled
(Must include settlement sheet)

Assessor recommending a lower value than current actual? 2021 206000

Tax year	Assessor Actual Value	Petitioned Value	Recommended Value
<u>2021</u>	<u>206000</u>	<u>100000</u>	<u>170000</u>
_____	_____	_____	_____

Hearing Officer Signature: Lori Freedman Date: December 13, 2022

Hearing Officer Findings and Recommendations - Abatement

- 1. The Assessor presented the following testimony and documents in support of the Assessor's position:
 - a. Data from sales of comparable properties which sold during the applicable time period.
 - b. Data establishing the replacement cost new, less depreciation of the property.
 - c. Gross rent, expenses, vacancy and collection loss data from comparable properties obtained during applicable time period.
 - d. Other _____

- 2. Petitioner presented the following testimony and documents in support of the Petitioner's position:

(Please limit comments to the lines provided.)

- 3. The Petitioner and the Assessor have **AGREED** that:

a. <input type="checkbox"/> The proper classification and actual value of the property is:	<u>Class</u>	<u>Actual Value</u>
	_____	_____
	_____	_____
	_____	_____
	Total	_____

(Attach **SETTLEMENT SHEET.**)

- 4. The Referee finds that the original value placed on the property by the Assessor:
 - a. Is correct for the year(s) _____
 - b. Is incorrect for the year(s) _____

- 5. Reason for adjustment:

COST

The land value of the property should be adjusted to take into consideration:

- a. location/access
- b. size
- c. view
- d. contamination
- e. topography
- f. feasibility for development
- g. _____

The replacement cost of the improvements to the property should be adjusted to compensate for:

- a. physical depreciation
- b. inferior quality
- c. functional obsolescence
- d. economic obsolescence
- e. _____

MARKET

- a. Market sales provided by Petitioner indicate that a different value is appropriate.
- b. owner purchased property for 100,000 2/26/21 _____

INCOME

Petitioner's income evidence demonstrates that:

- a. The gross rental rate should be adjusted to \$ _____ per square foot.
- b. The vacancy rate should be adjusted to _____ %
- c. The expense rate should be adjusted to _____ %
- d. The capitalization rate should be adjusted to _____ %
- e. _____

Hearing Officer Findings and Recommendations – Abatement

6. Reason for denial or dismissal of appeal

- a. () Assessor's evidence of fair market value was stronger than Petitioner's evidence of fair market value.
- b. () Petitioner did not establish by a preponderance of the evidence that the Assessor misclassified the property.
- c. () Assessor's market sales were more compelling than Petitioner's market sales.
- d. () Petitioner presented little to no evidence to support a value other than the Assessor's determination of actual value.
- e. () A reduction in actual value would be speculative, because Petitioner did not present reliable cost to cure evidence to otherwise quantify the claimed physical deterioration, deferred maintenance, or functional obsolescence.
- f. () owner provided verbal testimony that would indicate Land Use would deem non-buildable post purchase not documented

7. **ADDITIONAL FINDINGS:** difficult parcel to determine actual value per MLS 130,000. post purchase of 100,000 was note carried and knows the agent and sold adj comps. Owner will provide appraiser with documented non-buildable parcel before deeming it so. MLS states 1 unit allowed. appraiser request adj from 276,700 to 206,000 using 6 adj vacant land sales with NO wells. the range is 532,700 to 165,300. in unincorporated Nederland and surrounding towns. Upon further consideration, size, location, access prior to deeming non-buildable recommendation is 170,000.