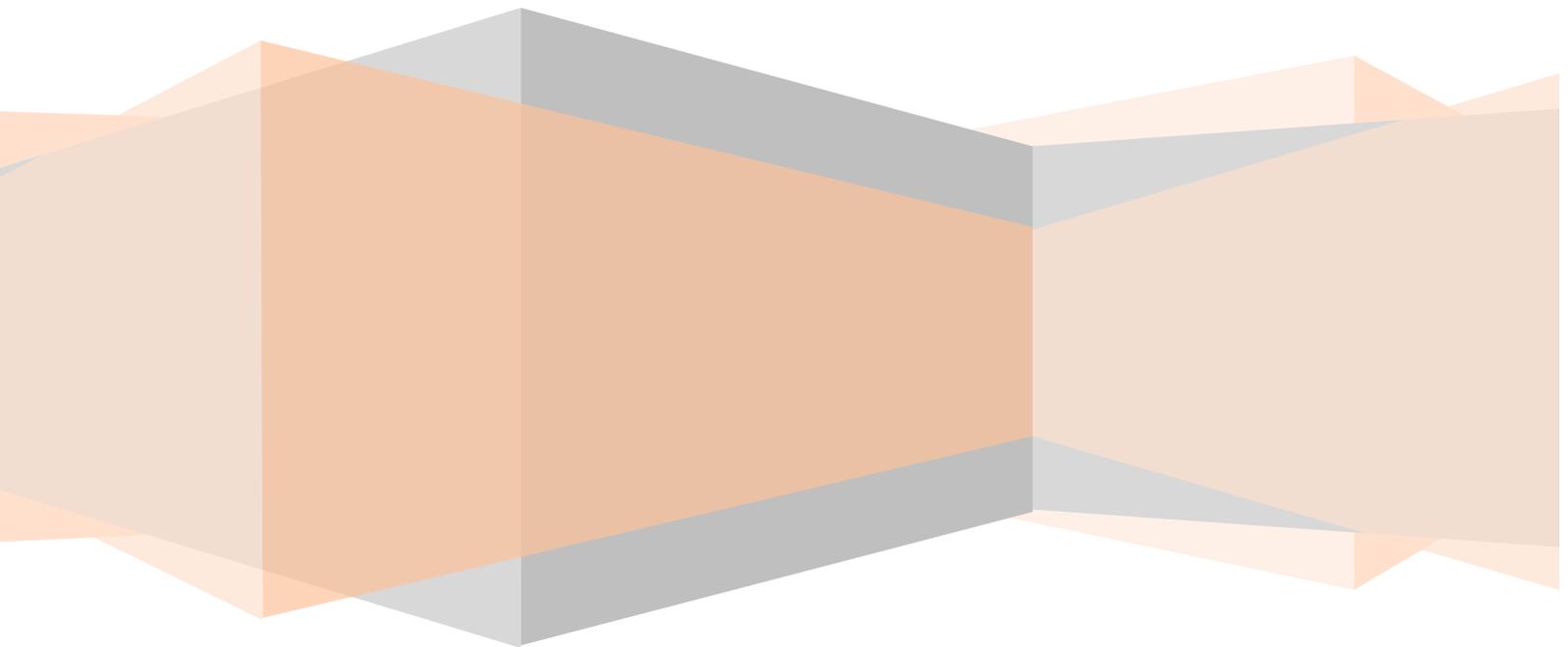


Protests and Appeals of Value

Modern mass appraisal techniques produce accurate value estimates for the vast majority of properties. However, inaccurate property characteristics or other factors can cause properties to be overvalued or undervalued. By statute, all property owners have the right to question the classification or actual value established by the assessor each year. A process exists for protests and appeals that extend from the assessor's office to the Colorado Supreme Court.



THE APPEALS PROCESS

County Assessor

Appeals are founded on a protest of the assessed property value not tax value. Protests may be submitted via mail, in person, or phone conference by appointment only. The back page of the Notice of Value received in May is the official appeal form.

- Real Property Protest Period
 - Begins first day following Notice of Valuation mailing (typically May 1)
 - Ends June 1
- Personal Property Protest Period
 - Begins June 15
 - Ends June 30

In a timely manner following the final day of the protest period, the assessor will render a decision as to the re-valuing of the property due to inaccurate data, erroneous assessment, or clerical errors (etc) if such errors exist. A Notice of Determination will be mailed to the taxpayer indicating whether or not there is a change to their property's value. If the taxpayer is not satisfied with the assessor's decision, he may choose to take the appeal to the County Board of Equalization.

County Board of Equalization

The CBOE is comprised of the county commissioners. During the hearing, the assessor and taxpayer present their cases, and are given time for rebuttal.

- Real and Personal Property Protest Period
 - Begins July 1
 - Ends August 5

If the taxpayer is unsatisfied with the CBOE's decision, he may choose to take the appeal to the State Board of Assessment Appeals, District Court.

State Board of Assessment Appeals, District Court

The BAA is a quasi-judicial board comprised of at least three members who are appointed by the Governor and confirmed by the Senate. It is important for each side to establish a complete record at this level of appeal. For example, if the appeal is regarding an income-producing property, the petitioner must provide rental income, tenant reimbursement, itemized expenses, and rent roll data to the CBOE within 90 days after the appeal with the BAA is filed, §39-8-107(5)(a)(I), C.R.S.

If the taxpayer is unsatisfied with the BAA's decision, he may choose to take the appeal to the Colorado Court of Appeals.

Colorado Court of Appeals

District Court is a more formal venue for property tax appeals. The CBOE is represented by the county attorney and an assessor's representative typically serves as an expert witness. Property owners may represent themselves, but are strongly encouraged to have an attorney.

Supreme Court

Just as decision of the BAA and District Court may be appealed to the Court of Appeals, decision from the Court of Appeals may be appealed to the Supreme Court. The Supreme Court may or may not choose to hear the appeal.

SUPPORTING INFORMATION FOR TAXPAYER APPEALS

Time Frame

Pursuant to Colorado State General Property Tax Law, in defending any value for Ad Valorem Taxation, only sales occurring within the designated time frame may be used. Properties sold within the prior 18 month period may be used as comparables, and often in smaller counties, sales within the prior 5 year period are also used as comparables.

Comparable Data

Taxpayers are advised to gather data for similar properties that have sold within the prior five years. Useful information includes physical characteristics, economic conditions, location, market conditions, conditions of sale, use or zoning, etc. A recent appraisal is

also excellent information to be used in an appeal. All property sales should be recorded with the Cheyenne County Clerk & Recorder's Office. The data is public information, and the Assessor's Office will gladly give instruction on how to obtain the required information. A real estate office is another good source for information on sold properties.

In any case, there is no presumption in favor of the Assessor's value being correct; therefore, the Assessor and taxpayer are on an equal playing field.

(1992 Tabor 8c)
