BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203	Docket Number: 55311
Petitioner: **GARDENSWARTS INVESTMENT CO LLC,** v. Respondent: **LA PLATA COUNTY BOARD OF COMMISSIONERS.**	
ORDER ON STIPULATION	

THE PARTIES TO THIS ACTION entered into a Stipulation, which has been approved by the Board of Assessment Appeals. A copy of the Stipulation is attached and incorporated as a part of this decision.

FINDINGS OF FACT AND CONCLUSIONS:

1. Subject property is described as follows:

   County Schedule No.: R005775+1A

   Category: Abatement **Property Type: Commercial Real**

2. Petitioner is protesting the 07-08 actual value of the subject property.

3. The parties agreed that the 07-08 actual value of the subject property should be reduced to:

   Total Value: $3,778,570

   (Reference Attached Stipulation)

4. The Board concurs with the Stipulation.

2010 JUN -4 PM 2:27

BOARD OF ASSESSMENT APPEALS
STATE OF COLORADO

Docket Number: 55311
Multiple County Schedule Numbers: (As Set Forth in the Attached)

STIPULATION (As to Abatement/Refund forTax Year 2007)

~~PROPERTY TAX ADJUSTMENT SPECIALISTS, INC.~~ Gardenswartz Investment CO LLC,

Petitioner

vs.

LA PLATA COUNTY BOARD OF COMMISSIONERS,

Respondent.

Petitioner(s) and Respondent hereby enter into this Stipulation regarding the tax year 2007 valuation of the subject property, and jointly move the Board of Assessment Appeals to enter its order based on this stipulation.

Petitioner(s) and Respondent agree and stipulate as follows:

1. The Properties subject to this Stipulation are described as set forth in the County Schedule Numbers on the Attachments to this Stipulation.

2. The subject properties are classified as RETAIL & OFFICE (what type).

3. Attachment A reflects the actual values of the subject properties, as assigned by the Assessor for tax year 2007.

4. Attachment B reflects the actual values of the subject properties after a timely appeal, as assigned by the Board of Commissioners.

5. After further review and negotiation, the Petitioner(s) and Respondent agree to the tax year 2007 actual values of the subject properties, as shown on Attachment C.

6. The valuations, as established on Attachment C, shall be binding with respect to only tax year 2007.

7. Brief narrative as to why the reduction was made:
AGENT PROVIDED CORRECTED INCOME AND EXPENSE DATA AND IS NOW USING A MARKET DERIVED CAP RATE FOR THE INCOME APPROACH.

8. Both parties agree that the hearing scheduled before the Board of Assessment Appeals on JUNE 24th (date) at 8:30 am (time) be vacated or a hearing has not yet been scheduled before the Board of Assessment Appeals.

DATED this 2ND day of JUNE, 2010.

Petitioner(s) or Agent or Attorney

ELITE PROPERTY SERVICES, INC.

Address:

6000 E. EVANS AVE., STE 1-426
DENVER, CO 80222

Telephone: 303-355-5871

County Attorney for Respondent,
Board of Commissioners

Address:

1099 Main Avenue, Suite 313
Durango, CO 81301

Telephone:

County Assessor

Address:
P.O. Box 3339
Durango, CO 81302

Telephone: 970-382-6235

Docket Number 55311

ATTACHMENT A

Actual Values as assigned by the Assessor

Docket Number 55311

Schedule Number	Land Value	Improvement Value	Total Actual Value
R005775	$ 729,610 .00	$ 1,474,430 .00	$ 2,204,040 .00
R005776	$ 473,050 .00	$ 1,495,800 .00	$ 1,968,850 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
TOTAL:	$ 1,202,660 .00	$ 2,970,230 .00	$ 4,172,890 .00

ATTACHMENT B

Actual Values as assigned by the County Board of Commissioners after a timely appeal

Docket Number 55311

Schedule Number	Land Value	Improvement Value	Total Actual Value
R005775	$ 729,610 .00	$ 1,474,430 .00	$ 2,204,040 .00
R005776	$ 473,050 .00	$ 1,495,800 .00	$ 1,968,850 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
TOTAL:	$ 1,202,660 .00	$ 2,970,230 .00	$ 4,172,890 .00

ATTACHMENT C

Actual Values as agreed to by all Parties

Docket Number 55311

Schedule Number	Land Value	Improvement Value	Total Actual Value
R005775	$ 701,860 .00	$ 1,379,050 .00	$ 2,080,910 .00
R005776	$ 415,800 .00	$ 1,281,860 .00	$ 1,697,660 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
TOTAL:	$ 1,117,660 .00	$ 2,660,910 .00	$ 3,778,570 .00

2010 JUN -4 PM 2:27

BOARD OF ASSESSMENT APPEALS
STATE OF COLORADO

Docket Number: 55311
Multiple County Schedule Numbers: (As Set Forth in the Attached)

STIPULATION (As to Abatement/Refund forTax Year 2008)

~~PROPERTY TAX ADJUSTMENT SPECIALISTS, INC.~~ vs

Petitioner Gardenswartz Investment CO LLC

vs.

LA PLATA COUNTY BOARD OF COMMISSIONERS,

Respondent.

Petitioner(s) and Respondent hereby enter into this Stipulation regarding the tax year 2008 valuation of the subject property, and jointly move the Board of Assessment Appeals to enter its order based on this stipulation.

Petitioner(s) and Respondent agree and stipulate as follows:

1. The Properties subject to this Stipulation are described as set forth in the County Schedule Numbers on the Attachments to this Stipulation.

2. The subject properties are classified as RETAIL & OFFICE (what type).

3. Attachment A reflects the actual values of the subject properties, as assigned by the Assessor for tax year 2008.

4. Attachment B reflects the actual values of the subject properties after a timely appeal, as assigned by the Board of Commissioners.

5. After further review and negotiation, the Petitioner(s) and Respondent agree to the tax year 2008 actual values of the subject properties, as shown on Attachment C.

6. The valuations, as established on Attachment C, shall be binding with respect to only tax year 2008.

7. Brief narrative as to why the reduction was made:
AGENT PROVIDED CORRECTED INCOME AND EXPENSE DATA AND IS NOW USING A MARKET DERIVED CAP RATE FOR THE INCOME APPROACH.

8. Both parties agree that the hearing scheduled before the Board of Assessment Appeals on JUNE 24th (date) at 8:30 am (time) be vacated or a hearing has not yet been scheduled before the Board of Assessment Appeals.

DATED this 2nd day of June, 2010.

Petitioner(s) or Agent or Attorney

ELITE PROPERTY SERVICES, INC.
Address:

6000 E. EVANS AVE., STE 1-426
DENVER CO 80222
Telephone: 303-355-5871

County Attorney for Respondent,
Board of Commissioners

Address:

1099 Main Avenue, Suite 313
Durango, CO 81301
Telephone:

County Assessor

Address:
P.O. Box 3339
Durango, CO 81302

Telephone: 970-382-6235

Docket Number 55311

ATTACHMENT A

Actual Values as assigned by the Assessor

Docket Number 55311

Schedule Number	Land Value	Improvement Value	Total Actual Value
R005775	$ 729,610 .00	$ 1,474,430 .00	$ 2,204,040 .00
R005776	$ 473,050 .00	$ 1,495,800 .00	$ 1,968,850 .00
	$ . .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
TOTAL:	$ 1,202,660 .00	$ 2,970,230 .00	$ 4,172,890 .00

ATTACHMENT B

Actual Values as assigned by the County Board of Commissioners after a timely appeal

Docket Number 55311

Schedule Number	Land Value	Improvement Value	Total Actual Value
R005775	$ 729,610 .00	$ 1,474,430 .00	$ 2,204,040 .00
R005776	$ 473,050 .00	$ 1,495,800 .00	$ 1,968,850 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
TOTAL:	$ 1,202,660 .00	$ 2,970,230 .00	$ 4,172,890 .00

ATTACHMENT C

Actual Values as agreed to by all Parties

Docket Number 55311

Schedule Number	Land Value	Improvement Value	Total Actual Value
R005775	$ 701,860 .00	$ 1,379,050 .00	$ 2,080,910 .00
R005776	$ 415,800 .00	$ 1,281,860 .00	$ 1,697,660 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
	$ .00	$ .00	$ 0 .00
TOTAL:	$ 1,117,660 .00	$ 2,660,910 .00	$ 3,778,570 .00