

Routt County Assessor
P.O. Box 773210
Steamboat Springs, CO 80477
(970) 870-5544
assessor@co.routt.co.us

Deliver Appeal To:
County Board of Equalization
P.O. Box 773598 - 522 Lincoln Ave.
Steamboat Springs, CO 80477
(970) 879-0108

NOTICE OF DETERMINATION

DATE: 06/27/2019

SCHEDULE NUMBER	REVIEW #	TAX YEAR	TAX AREA	LEGAL DESCRIPTION OF PROPERTY (MAY BE INCOMPLETE)
R3208311	PR-19-000053	2019	20	PARCEL #: 947224001 TR IN SW4SE4 22-5-84 LESS 1.65A TR TOTAL 4.16A <div style="border: 2px solid black; border-radius: 15px; padding: 10px; text-align: center; background-color: #e0e0e0;"> <p style="font-size: 1.2em; margin: 0;">RECEIVED</p> <p style="margin: 0;"><i>By Helena Taylor at 8:11 am, Jul 10, 2019</i></p> </div>
PROPERTY OWNER	PERRY LYNN LLC 10537 HIGHWAY 52 NORTH DUBUQUE, IA 52001			

The Assessor has carefully studied all 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:

COMMERCIAL – The actual value of the property is based on appropriate consideration of the cost approach, market approach, and income approach to appraisal, per § 39-1-103(5)(a), C.R.S.

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.

Thank you for the evidence presented, however, the evidence does not substantiate an adjustment to your property value. Therefore, your appeal has been denied. After careful consideration, we have determined that the mixed-use classification to be correctly applied to the Bella Vista property. The BV is first & foremost a lodging property holding specific entitlements to operate very differently from that of vacation or second homes that have no such entitlements other than being allowed to do nightly rentals. The granted PUD zoning specific to the BV property allows for a broad range on unique uses not found with a county property without a PUD zoning. These property rights go far beyond that of a vacation home that happens to conduct nightly rentals, thus, no modification to your classification is warranted. I'm happy to discuss the decision in detail.

Property Owners: This Notice of Determination (NOD) is mailed in two duplicate copies for each property appealed. Should you disagree with the determination made at the Assessor level, you may further your appeal to the County Board of Equalization (CBOE). Please see the backside of this form for detailed information on filing your appeal to the next level. If furthering your appeal, mail or deliver one NOD copy to the CBOE (contact info above) and keep the second NOD copy for your records. The deadline to file is July 15th, 2019.

PROPERTY CLASSIFICATION(S)	PROPERTY OWNER'S ESTIMATE OF VALUE	ASSESSOR'S VALUATION	
		ACTUAL VALUE PRIOR TO REVIEW	ACTUAL VALUE AFTER REVIEW
Residential Land		\$75,910	\$75,910
Residential		\$242,970	\$242,970
Commercial		\$579,590	\$579,590
		\$898,470	\$898,470

By: Gary J. Peterson
COUNTY ASSESSOR

06/27/2019
DATE

APPEAL DEADLINES: REAL PROPERTY - JULY 15, PERSONAL PROPERTY - JULY 20.

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.

APPEAL PROCEDURES

County Board of Equalization hearings will be held from July 1 through August 5.

To appeal the Assessor's decision, complete the Petition to the County Board of Equalization, and mail or deliver a copy of both sides of this form to the County Board of Equalization. To preserve your right to appeal, your appeal must be **POSTMARKED OR DELIVERED ON OR BEFORE JULY 15 FOR REAL PROPERTY AND JULY 20 FOR PERSONAL PROPERTY** - after such date, your right to appeal is lost.

NOTIFICATION OF HEARING:

You will be notified of the time and place scheduled for your hearing.

PLEASE REFER TO THE FRONT SIDE OF THIS FORM FOR THE ADDRESS OF YOUR COUNTY BOARD OF EQUALIZATION.

PETITION TO THE COUNTY BOARD OF EQUALIZATION

In the space below, please explain why you disagree with the Assessor's determination.

IN ACCORDANCE WITH 39-8-106(1.5), C.R.S., IF YOUR APPEAL INVOLVES REAL PROPERTY, YOU MUST STATE YOUR OPINION OF VALUE IN TERMS OF A SPECIFIC DOLLAR AMOUNT.

PETITIONER'S ESTIMATE OF VALUE AS OF JUNE 30, 2018: \$ See below

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.)

Residential Land	75,910	Enc:	e-mail dated May 13, 2019
Residential	442,560		e-mail dated July 7, 2019
Commercial	380,000		e-mail dated July 9, 2019
	# <u>898,470</u>		Internal financials for 2017 + 2018

James P. Landy
SIGNATURE OF PETITIONER

7-9-2019
DATE

COUNTY BOARD OF EQUALIZATION'S DETERMINATION:

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 must conclude hearings and render decisions by August 5. 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 September 11, 630-2-125(1)(e), C.R.S.

TAXPAYER RIGHTS FOR FURTHER APPEALS:

If you are dissatisfied with the County Board of Equalization's decision and you wish to continue your appeal, you must appeal within thirty days of the County Board of Equalization's written decision to ONE of the following:

Board of Assessment Appeals (BAA)
1313 Sherman Street, Room 315, Denver, Colorado 80203, (303) 864-7710
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.

Arbitration:
For a list of arbitrators, contact the County Commissioners at the address provided on the front side of this form for the County Board of Equalization.

TO PRESERVE YOUR APPEAL RIGHTS, YOU MAY BE REQUIRED TO PROVE THAT YOU FILED A TIMELY APPEAL; THEREFORE, WE RECOMMEND ALL CORRESPONDENCE BE MAILED WITH PROOF OF MAILING.

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.

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.

James P. Landy Member
Perry Lynn, LLC
Signature

563-590 7885
Telephone Number

7-9-2019
Date

Attach letter of authorization signed by the property owner

Routt County Assessor
P.O. Box 773210
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NOTICE OF DETERMINATION

DATE: 06/27/2019

SCHEDULE NUMBER	REVIEW #	TAX YEAR	TAX AREA	LEGAL DESCRIPTION OF PROPERTY (MAY BE INCOMPLETE)
R3205410	PR-19-000052	2019	20	<p>PARCEL #: 947224002</p> <p>TR IN SE4 22-5-84 TOTAL 1.65A</p>
PROPERTY OWNER	<p>PERRY LYNN LLC 10537 HIGHWAY 52 NORTH DUBUQUE, IA 52001</p>			<div style="border: 2px solid black; padding: 10px; background-color: #e0e0e0;"> <p style="font-size: 1.2em; font-weight: bold; margin: 0;">RECEIVED</p> <p style="margin: 0;">By Helena Taylor at 8:10 am, Jul 10, 2019</p> </div>

The Assessor has carefully studied all 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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PROPERTY CLASSIFICATION(S)	PROPERTY OWNER'S ESTIMATE OF VALUE	ASSESSOR'S VALUATION	
		ACTUAL VALUE PRIOR TO REVIEW	ACTUAL VALUE AFTER REVIEW
Residential Land Commercial		\$30,110 \$921,640	\$30,110 \$921,640
		\$951,750	\$951,750

By: Gary J. Peterson
COUNTY ASSESSOR

06/27/2019
DATE

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PETITIONER'S ESTIMATE OF VALUE AS OF JUNE 30, 2018: \$ See below

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.)

Residential Land	30,110	Enc. e-mail dated May 13, 2019
Residential	516,640	e-mail dated July 3, 2019
Commercial	405,000	e-mail dated July 9, 2019
	<u>\$ 951,750</u>	

James R. King
SIGNATURE OF PETITIONER

7-9-2019
DATE

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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.

James R. King member
Signature
Perry Lynn, LLC

5635907885
Telephone Number

7-9-2019
Date

*Attach letter of authorization signed by the property owner

Thanks,
Jim Gantz

-----Original Message-----

From: jpglrs <jpglrs@aol.com>
To: kkrause <kkrause@co.routt.co.us>
Cc: abby <abby@bellavistasteamboat.com>; schiss34 <schiss34@yahoo.com>
Sent: Fri, May 3, 2019 10:18 pm
Subject: Fwd: Recap of Bella Vista Stays since Purchase 08/02/16

Kevin,

Suffice it to say we are not at all pleased with the 2019 Real Property Notice of Valuation you sent today. Our major point of contention is your classification of Parcel 947224002, the Main Lodge, as commercial rather than residential. You mentioned to me that state law requires property to be classified as it is used. I have asked Abby to give me a recap of her personal use of the Main Lodge since we purchased the property on August 2, 2016. You will find that information in Abby's e-mail below. I would venture to guess Abby's personal use of the Main Lodge equals or exceeds the personal use of many many vacation properties in Routt County which I believe are all classified as residential. Abby rents out the Main Lodge when she is not using it personally which I believe is the case for many many other vacation properties in Routt County.

We respectfully request that you take another look at this with Gary Peterson and see fit to treat us the same as other vacation properties in Routt county that are classified as residential, used by owners (including family and friends), and rented out to others when not used by the owners.

Thanks,
Jim Gantz

-----Original Message-----

From: Abby at Bella Vista <abby@bellavistasteamboat.com>
To: jpglrs@aol.com <jpglrs@aol.com>
Sent: Thu, Apr 18, 2019 11:53 am
Subject: Recap of Bella Vista Stays since Purchase 08/02/16

Dad,

Here is a recap of when we've used the Estate for our own enjoyment and/or had friends up to enjoy the Estate.

2016: lived on site until August 2017. Used the Lodge whenever it was available to grill out, swim in the grotto, watch movies, etc. Had friends up that stayed in the Lodge, Cottages or Overlook:

September 23-26, 2016 (entire place- Bible study helped us move in)

December 13-20, 2016 (Eden's 1st birthday celebration)

2017:

January 23-28, 2017 (Tom and Peggy out to visit)

February 6-9, 2017 (friends Christy and Conor came to visit)

June 13 (styled photo shoot with wedding vendors- entire place)

August 10-13, 2017 (Steamboat Movement Fest- entire place)

August 16-19, 2017 (girls weekend- all stayed in the Lodge)

September 19-20, 2017 (Steamboat Chamber media overnight- stayed in Lodge)

November 20-25, 2017 (friends and family for thanksgiving- filled the entire place)

Eric's parents came up at least once a month that first year and stayed for a week at a time. They stayed with us in the Overlook most of the time but there was once or twice they stayed in the Lodge

When did you guys come out to visit that year? We lived there for awhile so I know you came out at least twice and stayed in the Lodge one of those times.

2018:

January 11-15, 2018 (Beth and Quinn visit- stayed in Lodge)

March 1-4, 2018 (Kirsten and Andy Dahlhauser visit- stayed in Lodge)

May 12-14, 2018 (you guys came out with Mary- stayed in Lodge)

May 31-June 14, 2018 (stayed in Lodge while Eric painted the exterior)

June 13-18, 2018 (let our friends Dustin and Elicia stay in the Lodge with their family)

2019:

January 16-21, 2019 (Eric and Nicole with family stayed in Lodge)

That's A LOT of time spent at the Estate.

Abby

Abby Schissler

Orchestrator

O: 970-879-4449

abby@bellavistasteamboat.com

Bella Vista Estate

31095 E US Hwy 40

Steamboat Springs, CO 80487

www.bellavistasteamboat.com



From: jpglrs <jpglrs@aol.com>
To: kkrause <kkrause@co.routt.co.us>; gpeterson <gpeterson@co.routt.co.us>
Cc: abby <abby@bellavistasteamboat.com>; schiss34 <schiss34@yahoo.com>
Subject: Re: Notice of Determination for Bella Vista Estate
Date: Sun, Jul 7, 2019 9:41 pm

Kevin & Gary,

As my e-mail below states, I look forward to further discussion on the *allocation* of the assessment for Bella Vista between Commercial and residential. The Real Property Appeal Form I filed asked you to reconsider the classification of the total assessment between commercial and residential. I offered two examples of property I felt was similar to Bella Vista, namely Parcel # 14900008 and Parcel # 149102006, which are both classified as 100% residential. In the Notice of Determination for Bella Vista you clearly state that these two properties cannot be considered "comparables" by virtue of the fact that Bella Vista has been granted PUD zoning whereas these two properties do not have such zoning. I do however disagree with your statement that these two properties do not enjoy the broad range of uses provided by the PUD zoning. Again, if you look at both of their websites, you will see the exact same uses advertised that are offered by Bella Vista.

You have made it clear that you are required to assess property according to its use. You have further argued that Bella Vista is "first and foremost a lodging property holding specific entitlements". Those entitlements come from the PUD zoning. Therefore, it is clear that the PUD Zoning is the main basis for your classification of Bella Vista as predominately "commercial". It is my understanding that you are required to make a "fair market value" assessment of all property within your jurisdiction. There is no doubt in my mind that if we were to get a fair market appraisal of Bella Vista, it would be appraised according to its "highest and best use" and that would be "single family residential" and certainly not "commercial".

I am not arguing with the total assessment of Bella Vista as if it were single family residential. That would be the sum of assessments for Parcel #947224001 (\$898,470) and Parcel #947224002 (\$951,750) = \$1,850,220. However, I totally disagree with your *allocation* of that total allocating \$1,501,230 as commercial and \$273,080 as residential. I am totally confident that an appraisal of the "commercial value" only of Bella Vista would not support a value of \$1,501,230. It would appear that you have placed very little, if any, value on my calculation of the "commercial value" of Bella Vista of no more than \$780,000. I am prepared to have our accounting firm, Deloitte, prepare a business valuation of Bella Vista if that would help.

It would be unfortunate if an unfair allocation of the assessment for Bella Vista would cause the property to have to be sold as single family residential and no longer operated under the PUD in order to get a fair assessment. The current allocation between commercial and residential cannot be supported by its commercial operations.

Sincerely,
Jim Gantz

-----Original Message-----

From: James Gantz <jpglrs@aol.com>
To: Kevin Krause <kkrause@co.routt.co.us>; gpeterson <gpeterson@co.routt.co.us>
Cc: abby <abby@bellavistasteamboat.com>; schiss34 <schiss34@yahoo.com>
Sent: Wed, Jul 3, 2019 3:40 pm
Subject: Re: Notice of Determination for Bella Vista Estate

Kevin & Gary,

This e-mail is to confirm that you will be initiating a conference call to me on Monday July 8 at 10:00 am Mountain Time. Please call me on my mobile at 563 5907885. The majority owner of Bella Vista is my daughter Abby Schissler. Abby would like to be included on that call. Please call her on her mobile at 970 8195092.

We look forward to further discussion on the allocation of the assessment between commercial and residential for Bella Vista.

Sincerely,
Jim Gantz

Sent from my iPad

On Jul 3, 2019, at 11:30 AM, Kevin Krause <kkrause@co.routt.co.us> wrote:

Hello Jim,

I had a chance to speak with Gary and he will not be available until Monday. At this point, please pick a time between 10:00 AM and 2:00 PM and we give you a call.

As for right now, please follow the detailed instructions on the NOD and file both accounts to the County Board of Equalization by the deadline of July 15, 2019.

Sincerely

Kevin

Kevin M. Krause

Commercial Properties
Routt County Assessor's Office
P.O. Box 773210
Steamboat Springs, CO 80477
Email: KKrause@co.routt.co.us
Phone: (970) 870-5454
Fax: (970) 870-5461

-----Original Message-----

From: James Gantz [<mailto:jpglrs@aol.com>]
Sent: Tuesday, July 2, 2019 9:15 PM
To: Kevin Krause <kkrause@co.routt.co.us>
Cc: abby@bellavistasteamboat.com; schiss34@yahoo.com
Subject: Notice of Determination for Bella Vista Estate

Kevin,

I received the Notice of Determination for Parcel # 947224001 and Parcel #947224002 for Bella Vista Estate. As you are aware, Gary Peterson has decided there is to be no change in the assessments or the classifications. As you can expect, we were extremely disappointed with this decision.

I would appreciate it if you would give me a call on my mobile phone at 563 5907885 sometime tomorrow so that I may discuss this matter further with you in light of our desire to appeal to the CBOE. I will be available anytime tomorrow except from 9:00 am - 11:00 am Mountain Time.

Thanks,
Jim Gantz

Sent from my iPad

Disclaimer

The information contained in this communication is confidential and intended solely for use by the recipient(s). If you are not the recipient, understand that any disclosure or distribution of the contents is strictly prohibited and may be unlawful. This email has been scanned for viruses and malware, and may have been automatically archived.

From: jpglrs <jpglrs@aol.com>

To: gpeterson <gpeterson@co.routt.co.us>; kkrause <kkrause@co.routt.co.us>

Cc: abby <abby@bellavistasteamboat.com>; schiss34 <schiss34@yahoo.com>

Subject: Comments From Telephone Conference 5/8/19 Regarding Bella Vista

Date: Tue, Jul 9, 2019 5:25 pm

Gary & Kevin,

Abby and I would like to thank you for taking time to discuss our concerns regarding your Notice of Determination Parcel #947224001 and Parcel #947224002, It was helpful for me to get a better understanding of how you have determined the assessment and classification of these two parcels. You have admitted that there is much gray area regarding mixed use properties such as Bella Vista and we appreciate the challenges you face dealing with such properties.

In my e-mail dated May 13, 2013, I asked you to consider changing Parcel #947224002 to 100% residential and changing Parcel #947224001 to 50% residential and 50% commercial and I offered two parcels as comparables. Namely, Over The Edge (steamboatluxechalet.com) which is Parcel #14900008 and Edelweiss Chalet (steamboatchalet.com) which is Parcel #149102006 which are both classified as 100% residential. In your Notice of Determinations, you argued "The BV is first & foremost a lodging property holding specific entitlements to operate very differently from that of vacation or second homes that have no such entitlements other than being allowed to do nightly rentals." I continue to disagree with you on that point as both Over The Edge and Edelweiss Chalet offer all the same services as Bella Vista. The only real difference is that Over The Edge and Edelweiss Chalet are both in the incorporated area of Routt County and both enjoy zoning which allows them to have all the same offerings as Bella Vista. Since Bella Vista is located in the unincorporated area of Routt County, those same services can only be offered with PUD zoning. It is clear to me that you are using the PUD zoning for the Bella Vista as the primary basis for the commercial classification. Bottom line is Over The Edge and Edelweiss Chalet are truly comparables to Bella Vista other than their zoning classifications which are dictated by whether or not they are in the incorporated area of Routt County.

During our conversation, Kevin asked a very pertinent question and that was "what kind of property did we believe we were purchasing with the Bella Vista and did we do any kind of commercial valuation of the property." My daughter Abby Schissler had been looking at purchasing a property in Routt County for some time before we came across the Bella Vista. It was to be a vacation property that she and her family and friends would use and she would rent it out when not used by family and friends. It was to be an investment property with the hopes that it would appreciate in value. It was clear to us from the start of negotiations that Bella Vista was not being sold as a business but simply a vacation home, second home, investment property, etc. that happened to enjoy very good rental history.

You have stated repeatedly that you are required to classify property according to its use. The PUD zoning and its entitlements do seem to imply a commercial use. Kevin explained that he simply took the value of the underlying property according to its classification and that's what determined the dollar amount of the assessment assigned to each classification. I think we would all agree that Bella Vista is one of those "unique" hard to value properties and is best classified as a mixed use property. I have asked you to let the use of the property and the **value of that use** determine the split between residential and commercial classification. I have provided financial information to you for 2017 and 2018 which would indicate the business value or commercial value of Bella Vista is no more than \$785,000. In other words, I am asking you again to classify no more than \$785,00 as commercial and the balance as residential.

I will be preparing our appeal for both parcels to the CBOE. I will be including a copy of this e-mail along with my e-mail to you dated May 13, 2019 and my e-mail to you dated July 7, 2019 along with the internal financial statements for Bella Vista for 2017 and 2018.

I do have to state that both Abby and I were troubled by your comment regarding our appeal being ripe for further review by the BAA or District Court. That led us to believe you may be inclined to give no further consideration to our arguments with the hopes you might get further clarification on such gray areas should we not like the decision of the CBOE and decide to take it to the BAA or District Court. Abby and I have already decided if we don't get relief from the CBOE, we will have to move to Plan B and we would not be appealing to the BAA or District Court.

Sincerely,
Jim Gantz