

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>CHARLES HUGHES,</p> <p>v.</p> <p>Respondent:</p> <p>DOUGLAS COUNTY BOARD OF EQUALIZATION.</p>	▲
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Charles Hughes Address: 956 Idalia Street Aurora, Colorado 80011 Phone Number: (303) 360-5769 E-mail: Attorney Registration No.:</p>	Docket Number: 37022
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on February 13, 2001, Mark R. Linné, Harry J. Fuller and J. Russell Shaw presiding. Petitioner, Mr. Charles Hughes, appeared pro se. Respondent was represented by Lance Ingalls, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**LOTS 13-18 BLK 19 CRAIG & GOULDS ADD. TO CASTLE ROCK
(Douglas County Schedule No. 0075230)**

Petitioner is protesting the 2000 actual value of the subject property, a 17,001 square foot Class C, 17-unit apartment house, situated on an 18,731 square foot parcel, and located at 7 Cantril Street, Castle Rock, Colorado.

ISSUES:

Petitioner:

Petitioner contends that his value is higher than comparable properties on a per unit basis.

Respondent:

Respondent contends that market approach has been appropriately applied by the assessor's office in developing its value.

FINDINGS OF FACT:

1. Petitioner presented the appeal on his own behalf.
2. With respect to the Petitioners request for consideration of the 1999 value under the abatement provisions, the Board concludes that it is unable to accept jurisdiction in this matter. Pursuant to CRS 39-10-114(1)(a)(I)(D), *Taxpayer may file abatement petitions requesting a value adjustment for the years in which a protest was filed. However, the abatement should be denied if the issue is overvaluation and a notice of determination was mailed by the assessor.* Copies of relevant correspondence provided to this Board demonstrate that the Petitioner filed a timely appeal and received a notice of determination from the assessor during the 1999 appeal period. As the Petitioner failed to proceed with the administrative remedies available to him during the prescribed period, the Board concurs with Respondents position that consideration of the 1999 value, under the abatement provisions is precluded by the statute noted above.
3. Based on the market approach, Petitioner presented an indicated value of \$546,439.00 for the subject property.
4. Petitioner presented no comparable sales but did comment that the assessor's comparable sale at 730 Wilcox was the only relevant sale to this exercise.
5. Petitioner commented that according to his understanding of USPAP standards, that Respondents appraisal is not credible as it contains only two comparable sales rather than the typically required three.
6. Mr. Hughes advised that the subject property was technically under construction as of January 1, 2000. Petitioner provided Exhibit B, photos of the property as of January 1, 2000, clearly showing construction in process.
7. He further advised that the improvements were not completed until August 2000.
8. Petitioner testified that the subject's value is influenced by its proximity, approximately 100 feet, to a very active railroad right-of-way.

9. Petitioner is requesting a 2000 actual value of \$546,439.00 for the subject property.

10. Respondent's witness, Mr. Larry Shouse, Senior Appeals Appraiser with the Douglas County Assessor's Office, presented an indicated value of \$884,000.00 for the subject property based on the market approach.

11. Respondent's witness presented two comparable sales ranging in sales price from \$41,667.00 per unit to \$64,100.00 per unit, and in size from 3,380 to 7,898 square feet. After adjustments were made for size, condition, location and quality, the sales ranged from \$50,000.00 per unit to \$55,750.00 per unit.

12. The reconciled value based on comparables was established at \$52,000 per unit and applied to the Petitioner's property.

13. Respondent noted the proximity of property to railroad tracks but indicated the existence of buffer properties that mitigate any additional damage to value of the subject.

14. At the Board's request, Respondent's witness described how the adjustments had been developed with respect to size, condition and location. The witness indicated that the geographic relationship between the subject and comparables had been considered in developing the subject value, as had the assumed type of units and the effective condition of the comparables and subject as of the assessment date.

15. Respondent assigned an actual value of \$820,000.00 to the subject property for tax year 2000.

CONCLUSIONS:

1. Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2000.

2. The only evidence presented to the Board with respect to value came from the Respondent. The Board finds that the comparables submitted by the Respondent within its sales comparison approach to value have been adjusted appropriately, and the resulting reconciled value applied consistently to the subject.

ORDER:

The petition is denied.

APPEAL:

Petitioner may petition the Court of Appeals for judicial review within 45 days from the date of this decision.

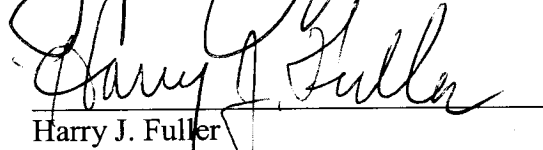
If Respondent alleges procedural errors or errors of law by this Board, Respondent may petition the Court of Appeals for judicial review within 30 days from the date of this decision.

DATED and MAILED this 14th day of February, 2001.

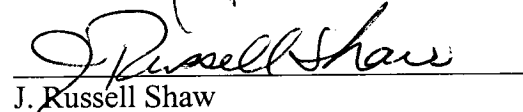
BOARD OF ASSESSMENT APPEALS



Mark R. Linné



Harry J. Fuller

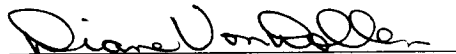


J. Russell Shaw

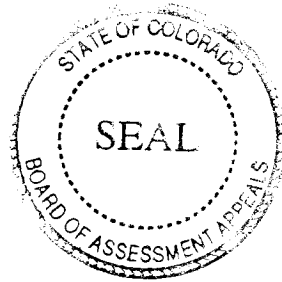
This decision was put on the record

FEB 14 2001

I hereby certify that this is a true and correct copy of the decision of the Board of Assessment Appeals.



Diane Von Dollen



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