

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioners:</p> <p>JAMES E. & JANE L. DAUME,</p> <p>v.</p> <p>Respondent:</p> <p>DOUGLAS COUNTY BOARD OF EQUALIZATION.</p>	<p>▲</p>
<p>Attorney or Party Without Attorney for the Petitioners:</p> <p>Name: James E. & Jane L. Daume Address: 9280 Ptarmigan Trail Lone Tree, Colorado 80124-8901 Phone Number: (303) 790-8738 E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 38291</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on November 6, 2001, Debra A. Baumbach and Mark R. Linné presiding. Petitioner, James E. Daume, appeared pro se. Respondent was represented by Kelly Dunnaway, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**LOT 23 BLK 2 LONE TREE
(Douglas County Schedule No. R0328576)**

Petitioners are protesting the 2001 actual value of the subject property. The subject is a two-story home constructed of frame. The subject was built in 1988 and consists of approximately 2,412 square feet of living area. The property is configured with three bedrooms, a two-car garage, and an unfinished basement.

ISSUES:

Petitioners:

Petitioners contend that the subject property has been overvalued, and contends that the Respondent did not quantify deficiencies in his house in comparison to the comparable sales.

Respondent:

Respondent contends that the subject property has been correctly valued. The comparable sales used are the most similar to the subject in size, style, quality, and market appeal. All of the sales are considered to be from the same market area and have presented an appraisal that makes adjustments to comparable sales in the area, resulting in a well-supported value for the subject. The Respondent does not believe that the use of a sales price per square foot figure is sufficient to value the subject property.

FINDINGS OF FACT:

1. Mr. James F. Daume, Petitioner, presented the appeal on his own behalf.
2. Based on the market approach, Petitioners presented an indicated value of \$262,580.00 for the subject property.
3. Petitioners presented six comparable sales ranging in sales price from \$262,000.00 to \$373,000.00 and in size from 2,251 square feet to 3,108 square feet. The sales price per square foot provided an indicated range of \$94.21 to \$131.94. The average sales price per square foot was indicated as \$113.01. He has prepared a simplified manner of appraisal in which each of the sales represents similar properties in comparison to his, and which have been analyzed on the basis of the sales price per square foot.
4. The Petitioner testified that he had examined the sale of every residence in his neighborhood, and selected six that he felt were appropriate from which to derive a value.
5. The subject is a two-story single-family residence that was constructed in 1988, and has had no improvements since that time.
6. The subject is approximately 14 feet further down the slope (below grade) of the Respondent's Comparable Sale #1. Comparable Sale #1 has an unobstructed view of Downtown Denver. In contrast, the witness testified that his house has a view of the pumping station and the local school. The view is also unobstructed.
7. The Petitioner testified that there are several errors in the comparable sales data presented by the Respondent, specifically with respect to the presence of a finished basement, three-stall garage, and air conditioning.

8. The witness testified that the total appraised value on his house is considerably higher than it should be. The majority of the homes in the neighborhood have four bedrooms and a three car garage, while his house only has three bedrooms and a two-car garage.

9. Under cross-examination, the witness testified that when he prepared Exhibit A, he did not make any attempt to adjustment for changes in market conditions. No adjustments of any type were made. In concluding a value, the witness indicated that he picked the low-end of the sales in the area. He tried to select comparables of similar age, size, number of garages, etc.

10. Petitioners are requesting a 2001 actual value of \$262,580.00 for the subject property.

11. Respondent's witness, Mr. Larry Shouse, Colorado Certified General Appraiser, Senior Appeals Appraiser with the Douglas County Assessor's Office, presented an indicated value of \$296,532.00 for the subject property based on the market approach.

12. Respondent's witness presented 3 comparable sales ranging in sales price from \$265,000.00 to \$295,000.00 and in size from 2,397 square feet to 2,453 square feet. After adjustments were made, the sales ranged from \$258,901.00 to \$318,460.00.

13. The witness testified that he followed the appropriate guidelines, including Colorado Revised Statutes and the Assessors Reference Library guidelines prepared by the Division of Property Taxation.

14. The witness testified that he considered only the direct sales comparison approach, the only permitted approach to value permitted under statute.

15. Mr. Shouse testified that the sales were selected on the basis of similarity from the standpoint of location, age, main floor square footage, walk-out versus non-walk-out basement, and number of garage spaces.

16. He did not feel that it was entirely appropriate to consider only the sales price per square foot in concluding a market value for a property. It is important to make adjustments for and consider differences in physical characteristics.

17. Respondent assigned an actual value of \$296,532.00 to the subject property for tax year 2001.

CONCLUSIONS:

1. Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2001.

2. The Board has carefully considered all admitted evidence and testimony and has affirmed the Respondent's value. The Respondent presented three comparable sales supporting the assigned value conclusion. The adjustments made to the sales are reasonable and take into consideration any differences.

3. The Respondent's assigned value does take into consideration all the factors affecting the overall valuation. The assigned value is supported and is affirmed based on the evidence and testimony presented to the Board for consideration.

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 18 day of December, 2001.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach
Debra A. Baumbach

[Signature]
Mark R. Linné

This decision was put on the record

DEC 05 2001

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

[Signature]
Diane Von Dollen

