

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>GEORGE DENNIS CARNAHAN,</p> <p>v.</p> <p>Respondent:</p> <p>DOUGLAS COUNTY BOARD OF EQUALIZATION.</p>	<p>▲</p>
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: George Dennis Carnahan Address: 430 Fox Canyon Lane Castle Rock, Colorado 80104 Phone Number: (720) 733-9624 E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 38424</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on November 5, 2001, Debra A. Baumbach and J. Russell Shaw presiding. Petitioner appeared pro se. Respondent was represented by Kelly Dunnaway, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**LOT 9 BLK 2 THE WOODLANDS #8
(Douglas County Schedule No. R0375425)**

Petitioner is protesting the 2001 actual value of the subject property, a single-family residence. The subject residence is a ranch design, located at 1430 Fox Canyon Lane, Castle Rock. The lot size is described as 0.183 acres, and is identified as being located in the Woodlands #8.

ISSUES:

Petitioner:

Petitioner contends that the market area from which he extracted his comparable sales is more representative of the value of the subject than the area defined by the Respondent.

Respondent:

Respondent contends that the market data in the immediate vicinity of the subject is more relevant than sales from a larger area of the county. Respondent also asserts that the price paid for the subject property by the Petitioner during the base year period is a significant indicator of the value of the subject.

FINDINGS OF FACT:

1. Mr. Carnahan, Petitioner, presented the appeal on his own behalf.
2. Based on the market approach, Petitioner presented an indicated value of \$190,320.00 for the subject property.
3. Petitioner presented five comparable sales ranging in sales price from \$174,100.00 to \$211,200.00, and in size from 1,689 to 2,014 square feet. After adjustments were made, the sales ranged from \$177,974.00 to \$214,250.00.
4. Mr. Carnahan's presentation was primarily focused on what he characterized as inequities in the Respondent's valuation process. He testified that Respondent should have considered sales from the entire area defined by the Assessor's office as falling within Economic Area 4. He noted that Economic Area 4 include the entirety of properties within the city limits of Castle Rock.
5. In discussing the comparability of the sales he selected for consideration, the Petitioner addressed elements including age, size and quality of basements, existence of garages, and lot sizes. He testified that he did not do any market research to determine the effects of time on value, nor did he believe that the time factor was applicable to the valuation process. Consequently, he did not adjust of his comparables for that factor.
6. Mr. Carnahan also based his selection of comparable sales on a factor he described as "liveability," the degree to which each comparable would meet his individual needs in terms of shelter and quality of lifestyle.

7. Under cross-examination, Mr. Carnahan described his motivations as a purchaser as being a combination of personal budget, knowledge of the market, and impression of the neighborhood. He testified that an appraisal was not commissioned in conjunction with his purchase of the subject. He also testified that he was unaware of any sales in his immediate neighborhood, and could not comment as to what the range of those sales might be.

8. In response to questions from the Board, the Petitioner testified that he had purchased the subject on or about January 1, 2000 for \$225,000.00.

9. Petitioner is requesting a 2001 actual value of \$190,320.00 for the subject property.

10. Respondent's witness, Mr. Larry Shouse, an Appraiser with the Douglas County Assessor's Office, presented an indicated value of \$223,219.00 for the subject property based on the market approach.

11. Respondent's witness presented three comparable sales ranging in sales price from \$224,800.00 to \$228,000.00, and in size from 1,732 to 1,747 square feet. After adjustments were made, the sales ranged from \$226,445.00 to \$244,868.00.

12. Mr. Shouse testified that each of the comparables was analyzed utilizing the process and procedures as specified by the Division of Property Taxation and published in its Assessors Reference Library. His analysis considered differences in square-footage, age, time of sale, size and finish of basements, and location of the property.

13. Respondent's witness demonstrated that each of the comparables selected for consideration was in close proximity to the subject with Comparable #3, 1380 Canyon Drive being located in the immediate neighborhood. Sales #1 and #2 at 2383 and 2359 Bayberry, respectively, were described as being very similar to the subject in terms of age, style, above-grade living area, and cul-de-sac location. He noted that Sale #3, built by the same builder and with a similar floor plan as the subject, required the least amount of adjustments, and was consequently given the greatest weight in determining the value of the subject.

14. During cross-examination, Mr. Shouse provided Petitioner a detailed explanation of the time adjustment process. He also described the applicability of both the paired-sales analysis and multiple-regression analysis in the valuation process.

15. Respondent assigned an actual value of \$223,219.00 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 is persuaded to reach this conclusion for several reasons. The Respondent's value was based on the applicable guidelines developed by the Division of Property Taxation. The comparables used by Respondent were in close proximity to the subject with Comparable #3 being a similar floor plan by the same builder and located in the same immediate neighborhood as the subject. The Petitioner provided no evidence that any of Respondent's comparables were invalid or in any way inappropriate. Most persuasive, however, is the fact that the Petitioner paid approximately \$225,000.00 for the subject during the base year period.

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 21st day of December, 2001.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach
Debra A. Baumbach

J. Russell Shaw
J. Russell Shaw

This decision was put on the record

DEC 20 2001

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

Diane Von Dollen
Diane Von Dollen

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