

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>J. WILLIAM EMRICK,</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: J. William Emrick Address: 12836 Woodland Trail Parker, Colorado 80138 Phone Number: (303) 841-3934 E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 38884</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 appeared pro se. Respondent was represented by Kelly Dunnaway, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**LOT 2 BLK 8 PONDEROSA HILLS 2
(Douglas County Schedule No. R0093981)**

Petitioner is protesting the 2001 actual value of the subject property. The subject is a good quality ranch-style home built in 1971 of frame/masonry veneer construction. The property contains 2,041 square feet of finished living area, with 810 square feet of fully finished basement area. The property is configured with two bedrooms, two baths, and a 696 square foot attached two-car garage.

ISSUES:

Petitioner:

Petitioner contends 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. Adjustments have been made to comparable sales in the area, resulting in a well-supported value for the subject.

FINDINGS OF FACT:

1. Mr. J. William Emrick, Petitioner, presented the appeal on his own behalf
2. Based on the market approach, Petitioner presented an indicated value of \$281,658.00 for the subject property.
3. The Petitioner contends that he has considered comparable sales within his subdivision, while the Assessor has not. The Petitioner presented six comparable sales with an average sales price per square foot of \$138.00. He made no other adjustments for other factors of differentiation. He relied solely on the sales price per square foot. He made no adjustment for any appreciation that would have occurred during the applicable base period.
4. The Petitioner testified that his house comprises four rooms; he has no dining room and only two bedrooms.
5. The Petitioner testified that his examination of the Respondent's appraisal report shows that while all of his sales are located in his neighborhood, the Assessor has utilized sales outside of the neighborhood.
6. Petitioner is requesting a 2001 actual value of \$281,658.00 for the subject property.
7. Respondent's witness, Larry Shouse, Colorado Certified General Appraiser, Senior Appeal Appraiser with the Douglas County Assessor's office, testified that he generally prepares in excess of 200 to 300 residential appraisals per year. The witness presented an indicated value of \$354,740.00 for the subject property based on the market approach.

8. The witness included Comparable Sale #3 due to the year of construction of the comparable. There were no other similar ranch-style homes in the subject subdivision of similar age, and thus he included this property, even though it was somewhat further from the subject.

9. Mr. Shouse testified that all of the sales included in his analysis were adjusted to accommodate changing market conditions, in accordance with the requirements of the Assessors Reference Library.

10. Mr. Shouse testified that it was important to make the application of the market adjustment factor to fairly value the subject. Other adjustments that were made include year of construction, basement finish, bath count, bedroom count, heating source, and other factors.

11. The witness testified that it is not possible to arrive at an acceptable conclusion of value by merely using the sales price per square foot. It is first necessary to make adjustments for differences in physical condition. Without addressing these differences, the information from a sales price per square foot basis would yield an inappropriate indication of value.

12. The witness testified under cross-examination that he had addressed the issue of the features and layout of the subject by utilizing sales of similar vintage with similar utility.

13. In response to questions from the Board, Mr. Shouse indicated that sales price per square foot declines as the size of a property increases. Petitioner's Sales #3, #4, and #5 were all of larger properties, and thus demonstrate a lower price per square foot. Mr. Shouse selected those properties that were closest in size, age, and location in deriving a value for the subject.

14. Respondent assigned an actual value of \$354,740.00 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. The sales are similar in location, age, style, and size.

3. The Board could give little weight to the comparable sales presented by the Petitioner. There was no calculation breakdown of any adjustments made. The sales vary dramatically in size, ranging from 1,424 square feet to 4,056 square feet. This range renders the smaller and larger sales less comparable, and less insightful in deriving a value for the subject.

5. 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 6th day of December, 2001.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach
Debra A. Baumbach

Mark R. Linne
Mark R. Linne

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.

Diane Von Dollen
Diane Von Dollen



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