

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>S. KENT HOPE, TRUSTEE,</p> <p>v.</p> <p>Respondent:</p> <p>SUMMIT COUNTY BOARD OF EQUALIZATION.</p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: S. Kent Hope Address: P.O. Box 427 Addison, TX 75001 Phone Number: (972) 239-1326 E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 38895</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on January 28, 2002, Steffen A. Brown and Mark R. Linné presiding. Petitioner, S. Kent Hope, appeared pro se. Respondent was represented by Frank Celico, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**LOT 5 TRACT B KEYSTONE RANCH SUB #1
(Summit County Schedule No. 3001132)**

Petitioner is protesting the 2001 actual value of the subject property. The subject is a residential single family dwelling, containing a total area of 3,231 square feet. The property is situated adjacent to the Keystone Ranch Golf Course, and is specifically situated on a site comprising .12 acres, or 5,227 square feet.

ISSUES:

Petitioner:

The Petitioner contends that the subject property has not been valued with consideration of the adverse conditions that are present, including the proximity of the golf course and the resultant dangers such proximity presents. Additionally, the Petitioner believes that the valuation assigned to his property has utilized sales that were furnished, and thus overstates the valuation of the subject.

Respondent:

The Respondent contends that they have appropriately applied all applicable approaches to value. The Respondent has appropriately considered all of the factors that impact value, and specifically has utilized sales that represent real estate value only, without consideration for any personal property. The current valuation should be affirmed.

FINDINGS OF FACT:

1. Mr. S. Kent Hope, Petitioner, presented the appeal on his own behalf.
2. Based on the market approach, Petitioner presented an indicated value of \$539,900.00 for the subject property.
3. The Petitioner described the subject property as comprising a total of 2,983 finished square feet. While the exterior measurements of the property would indicate 3,231 square feet, per the assessor's measurements, the use of exterior dimensions is not as exact as using an architect's measurements. Using the assessor's sketch, he has been able to determine the inaccuracy and the resultant mistake in the total square footage for the property.
4. The witness testified with respect to several adverse conditions that had not been taken into account by the Respondent.
5. The witness testified that there are problems with the subject lot dimensions and topography. The lot is irregular and is short on depth. The lot is sandwiched between the roadway and golf course. The road is only 22 feet from the road. The golf cart path encroaches 23 feet onto the lot. The cart path is only 13 feet from the house; this creates a distinct lack of privacy on the property. The #3 green is best approached by being in front of the window and, therefore, there is always the danger of being hit by a golf ball. Six golf balls hit the house daily during peak season. Children cannot play near the house due to this danger. They have requested that Keystone move the cart path, but they have not moved it. A lawsuit has not been pursued. While the conditions were known at the time of sale, they are nonetheless real and must be considered.

6. The witness testified that a second factor of concern is the fact that most Keystone homes are sold furnished. Partitions between the real and personal property elements are not always accurately quantified in the sales transaction. It is important to include only those sales that did not include furnishings in determining a value for his property.

7. The witness presented a number of sales; and while he admitted that several of the sales were outside of the applicable base period, they provide a good understanding of the nature of value as it impacts the subject.

8. Petitioner is requesting a 2001 actual value of \$539,900.00 for the subject property.

9. Respondent's witness, Melanie L. Shade, a Colorado Certified Residential Appraiser with the Summit County Assessor's Office, presented an indicated value of \$764,270.00 for the subject property based on the market approach.

10. Respondent's witness presented 4 comparable sales ranging in sales price from \$695,000.00 to \$799,000.00 and in size from 2,748 square feet to 3,832 square feet. After adjustments were made, the sales ranged from \$725,921.00 to \$809,817.00.

11. Ms. Shade testified that the subject property is located within a Planned Unit Development that has been built around the Keystone Golf Course. Each of the lots consists of building envelopes, and is further surrounded by land owned by the homeowners association.

12. The subject lot contains a total of 5,227 square feet and is sloping to the adjacent roadway. The property has views of the golf course.

13. The witness testified that the home is a one-story residential structure that comprises 3,231 square feet, all on one level. The witness described various amenity features that characterized the subject.

14. The witness testified that four sales were selected from the greater pool of sales to value the subject. Sale #1 is the best indicator of value, though it is not located on a golf course, and does not, therefore, have the same adverse conditions as the subject. Sale #2 has inferior views and no open space along the lot. Sale #3 has similar access characteristics, is in close proximity to the subject. The property is multi-level, and therefore less comparable. It is not located adjacent to the golf course. Sale #4 has inferior views in comparison to the subject property. The property is multi-level, and is not located adjacent to the golf course.

15. The witness testified with respect to the sales presented by the Petitioner, and the arguments presented by the Petitioner. Comparable #1 has multiple living areas, and the number of bedrooms and baths rendered this comparable less appropriate. Comparable #3, although located in the same subdivision, has conditional problems, and is rated only fair. Many of its windows require thermal repair. Comparable Sales #4, #5, and #7 are outside of the permitted data collection period. Comparable #6 has an inferior location vis-à-vis the subject.

16. Ms. Shade testified that she relied on the property transfer document in determining the validity of each sale, and she confirmed the various considerations of personal property contained within each property as part of the sales confirmation process.

17. Under cross-examination, the witness described and defined Economic Area #6 as the area of influence impacting the subject property.

18. The witness testified that the assessor always utilizes exterior measurements in determining the size of a dwelling. The previous square footage of the subject was previously utilized to set the subject's area in the assessment records.

19. The witness testified that her report used the median square footage to determine the valuation.

20. In order to obtain an adjustment, the witness testified that the assessor would have to find sales of unimpaired properties and properties which had sold with a similar impairment, and compare the two. Given the nature of the market in Summit County, she found no data to suggest that an adjustment was appropriate. She believes that she has considered all of the factors raised by the Petitioner, and has made adjustments as appropriate.

21. The witness indicated that Comparable Sales #1, #3, and #4 sold furnished. Comparable Sale #2 sold unfurnished. She deducted the value of the personal property from each sale in order to arrive at the value of the realty elements.

22. In redirect testimony, the witness testified that the property had originally been valued at \$867,921.00, which was subsequently reduced by the Summit County Board of Equalization to \$728,438.00.

23. Respondent assigned an actual value of \$728,438.00 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 four comparable sales supporting the assigned value conclusion. The adjustments made to the sales are reasonable and take into consideration any differences.

3. The Board notes that while the measurement of the subject property by the architect may differ from the measurements of the assessor, the Respondent has been consistent in measuring all homes in Summit County in the same manner, using exterior measurements, and this represents a uniform treatment of residential property.

4. The Board believes that the adverse conditions cited by the Petitioner are real, but that they have been taken into account through the use of the comparables utilized in setting a value for the property.

5. While there was considerable debate as to the appropriateness of both the Petitioner's comparable sales and the Respondent's comparable sales, the Board believes that the Respondent has made a good faith effort to include the most relevant sales in the valuation of the subject, deducting elements of personal property where applicable, and that these sales should be given the greatest weight.

6. The Board concludes that the valuation data presented by the Respondent is ultimately the most persuasive in arriving at a value for the subject property.

7. The Respondent's assigned value takes 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.

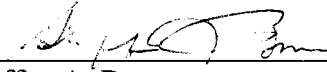
APPEAL:

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

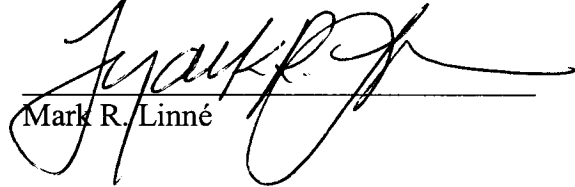
If Respondent alleges procedural errors or errors of law by this Board, Respondent may petition the Court of Appeals for judicial review within 30 days from the date of this decision.

DATED and MAILED this 20 day of February, 2002.

BOARD OF ASSESSMENT APPEALS



Steffen A. Brown

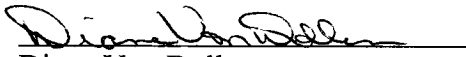


Mark R. Linné

This decision was put on the record

FEB 20 2002

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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