

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioners:</p> <p>DAVID WAYNE & KATHY A. KURZ,</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: David W. Kurz Address: 13813 North Travois Trail Parker, Colorado 80138 Phone Number: (303) 790-1340 E-mail: Attorney Reg. No.:</p>	Docket Number: 39103
ORDER	

THIS MATTER was heard by the Board of Assessment Appeals on November 8, 2001, Mark R. Linné and J. Russell Shaw presiding. Petitioner, David W. Kurz, appeared pro se. Respondent was represented by Lance J. Ingalls, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**LOT 6 BLK 6 TRAVOIS 2
(Douglas County Schedule No. R0090958)**

Petitioners are protesting the 2001 actual value of the subject property, a 2,158 square foot single-family residence located at 13813 Travois Trail in Parker.

ISSUES:

Petitioners:

Petitioners contend that the Respondent has not considered specific issues related to the subject that may influence value.

Respondent:

Respondent contends that the assigned value is supported by comparable sales in close proximity to subject, and the comparables utilized include applicable adjustments.

FINDINGS OF FACT:

1. Mr. David Kurz, Petitioner, presented the appeal on behalf of the Petitioners.
2. Based on the market approach, Petitioners presented an indicated value of \$266,940.00 for the subject property.
3. Petitioners presented seven comparable sales from the Respondent's database. Petitioners relied on Respondent's adjustments to the sales to demonstrate that after adjustments were made, the sales ranged from \$340,139.00 to \$425,511.00.
4. In direct testimony, Mr. Kurz presented Exhibits A and B as his primary evidence. As part of his report, the Petitioners developed an adjustment grid based on his understanding of appraisal process. The grid, identified in Exhibit B as Table A2, includes homes ranging in size from 1,732 square feet to 3,930 square feet. In Table A2, the Petitioners developed an adjusted price per square foot of living primary area for each of the comparables and from that data they identified the property located at 12791 Woodland Trail as being most representative of the value per square foot of the subject. That particular comparable had an adjusted sales price per square foot of \$123.70 for 3,930 square feet of primary living area.
5. The Petitioners contended that based on their per square foot analysis, and in comparing the calendar ages of each of the applicable sales, the Respondent had placed too much emphasis on the sales at the higher dollars per square foot range of the adjusted sales prices. It was their perspective that the Respondent should have considered all sales in relevant database.
6. Mr. Kurz characterized the subject property as being nearer to the lower end of the dataset for several reasons, none of which seemed to have been compensated for in the Respondent's market analysis. At 598 square feet, the subject's finished basement area is significantly smaller than the comparables noted as having any finished basement area. Additionally, Mr. Kurz testified that the subject property has been affected by differential settlement that had caused damage to various elements of the structure including windows, doors, sidewalks, and the exterior stucco. In cross-examination, the Petitioners acknowledged that they had no knowledge regarding the existence of similar structural issues at any of the comparables.

7. In response to a question from the Board, Mr. Kurz admitted that he had no idea as to the costs necessary to repair the damage noted above, and had not attempted to solicit any written estimates from competent contractors. The Board also questioned the relevance of several of the sales included in the Exhibit B, including the one previously noted at 12791 Woodland Trail with square foot living areas almost twice that of the subject.

8. Petitioners are requesting a 2001 actual value of \$266,940.00 for the subject property.

9. Respondent's witness, Mr. Larry Shouse, an Appraiser with the Douglas County Assessor's Office, presented an indicated value of \$310,000.00 for the subject property based on the market approach.

10. Respondent's witness presented three comparable sales ranging in sales price from \$250,000.00 to \$360,000.00, and in size from 1,735 to 1,976 square feet. After adjustments were made, the sales ranged from \$287,065.00 to \$358,398.00. It is significant to note that each of these comparables were included in Petitioner's Exhibit B.

11. Mr. Shouse characterized the comparables included in Exhibit 1 as being most similar to the subject in terms of age, style, location, condition, and marketability. Differences noted between the comparables and the subject were only with respect to the existence of and incremental value attributable to outbuildings. Neither of Comparables #1 and #2 had an outbuilding. Comparable #3 had an outbuilding very similar to one located on the subject property. He also noted that Comparables #1 and #3 had finished basements significantly larger with potentially superior finishes than the subject.

12. Respondent's witness testified that, based on his analysis of the attributes of each of the comparable properties, Sale #3 was most similar to the subject.

13. Respondent assigned an actual value of \$310,000.00 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 was persuaded by data presented by Petitioner and Respondent that the assigned value was correct. Petitioner's Comparable Sales 1, 2, and 3 were identical to the sales presented by the Respondent. The Petitioners' adjusted sales prices for these comparables fell within the same range as demonstrated in Respondent's analysis. Sales 4 through 7 presented for consideration by the Petitioners must be discounted, if for no other reason than that each of them includes square foot living areas well in excess of the subject.

3. Neither the Board, nor the Respondent, disputes that the Petitioners may have a variety of cosmetic or possibly structural concerns resulting from differential settlement that deserve some sort of attention or consideration. Unfortunately, testimony from neither party quantified potential costs to cure these matters at the subject. Consequently, we must presume that the market has identified and quantified the impact of soil conditions in the immediate market area.

ORDER:

The petition is denied.

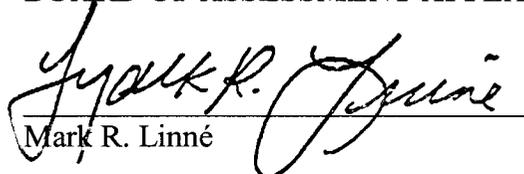
APPEAL:

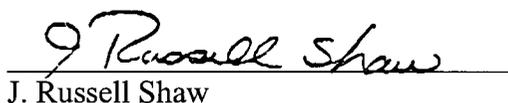
Petitioner may petition the Court of Appeals for judicial review within 45 days from the date of this decision.

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


Mark R. Linné


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

