

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>JOYCE SKURICH,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>DOUGLAS COUNTY BOARD OF EQUALIZATION.</b></p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Michael Skurich Address: 8516 Green Island Circle Lone Tree, Colorado 80104 Phone Number: (303) 662-9815</p>	<p><b>Docket Number: 41353</b></p>
<p style="text-align: center;"><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on January 14, 2004, Karen E. Hart and Judee Nuechter presiding. Petitioner appeared pro se. Respondent was represented by Michelle B. Gombas, Esq.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**8516 Green Island Circle, Lone Tree, CO 80104  
(Douglas County Schedule No. R0386435)**

Petitioner is protesting the 2003 actual value of the subject property; a single-family residence located at 8516 Green Island Circle, Lone Tree, Colorado, 80124.

## **ISSUES:**

### **Petitioner:**

Petitioner contends that the subject property has been overvalued for tax year 2003.

### **Respondent:**

Respondent contends that they relied on sales that occurred in the January 1, 2001 to June 30, 2002 base period and that the market approach supports the valuation as presented.

## **FINDINGS OF FACT:**

1. Michael Skurich, Petitioner's husband, appeared as a witness and presented the appeal on behalf of Petitioner.

2. Based on the market approach, Petitioner presented an indicated value of \$450,000.00 for the subject property.

3. The witness testified that Falcon Homes built the subject property and that Petitioner purchased the subject property when it was six months old. There was no disclosure of problems with moisture in the basement at the time of purchase. Falcon Homes installed a sump pump in the basement area just before the company declared bankruptcy. A class-action lawsuit was filed over the water problems in the neighborhood, but it was not worth pursuing after the company went bankrupt. Respondent's records show the quality of the construction as very good, although Petitioner believes it should be good or average. He has had to patch large cracks in the walls.

4. Mr. Skurich testified that he contacted the Douglas County Assessor to obtain comparable sales. The property located at 8555 Green Island sold for \$450,000.00 on February 2, 2002 and has a walkout basement whereas the subject does not. He also believes it is 400 square feet smaller with a larger basement. He has been inside this property. Another home located two houses away from Petitioner's sold for \$370,000.00 on July 22, 2002 and has 4,092 square feet with a 2,000 square foot basement. A house located across the street sold for \$418,000.00 on October 27, 2001 and has a walkout basement. The property located at 8446 Green Island has the same square footage as the subject and sold for \$349,100.00. A 3,330 square foot house located at 7891 Barkley Way sold on April 30, 2001 for \$365,000.00. The witness testified that he purchased the subject property for \$425,000.00, furnished.

5. During cross-examination, the witness testified that he could not determine if there was special financing or sales concessions for any of the sales. Petitioner's comparable sales were all within walking distance of the subject and were all built by Falcon Homes. Mr. Skurich indicated that he did not apply a time trend adjustment to his comparable sales.

6. Upon questions from the Board, the witness testified that they purchased the subject property on September 10, 1998. He believes that the damage to the dwelling was caused by the foundation and water problems. The concrete floors have heaved approximately 3 inches and the cracks in the drywall are up to  $\frac{3}{4}$  of an inch wide. The basement has a structural floor with a crawl space that has a heavy moisture content. There is mold in this area. He believes that Falcon Homes have overall average conditions with average quality such as asphalt shingles, pressed wood siding, and less expensive materials such as formica countertops instead of granite countertops and vinyl flooring instead of ceramic tile.

7. During re-cross examination, the witness testified that he did not have any photos that would document the quality of the subject property. He does not have a cost to cure for the moisture and foundation problems, nor has he done an engineering study as it was too expensive. The Respondent's had requested a physical inspection of his property, but he was out of town and did not allow them to conduct an interior inspection. He believes that it cost \$110,000.00 to repair the foundation of the property located behind the subject.

8. Petitioner is requesting a 2003 actual value of \$450,000.00 to \$480,000.00 for the subject property.

9. Respondent's witness, Ms. Beth Wilcox, a Certified Residential Appraiser with the Douglas County Assessor's Office, presented an indicated value of \$526,909.00 for the subject property, based on the market approach.

10. Respondent's witness presented four comparable sales ranging in sales price from \$526,000.00 to \$795,000.00 and in size from 3,367 to 3,878 square feet. After adjustments were made, the sales ranged from \$496,454.88 to \$668,790.91.

11. The witness testified that she did not review or physically inspect the interior of the subject property, although she had made numerous requests to do so.

12. Ms. Wilcox testified that the comparable sales she selected were based on the same style, similarity in functional utility and size, and that she tried to use properties built by Falcon Homes. Sale 1 appears to be the best comparable as it had the least adjustments. Sales 3 and 4 are the same property; it sold twice during the base period. Sale 3 is in the same neighborhood as the subject and is located on the golf course, which indicated a \$50,000 adjustment for superior land value. She felt that all of the comparable properties had very good quality due to their fenestration or difficulty of architecture, larger size, better quality flooring, cabinetry, doors and windows.

13. The witness testified that documentation would be necessary to support a change of quality for the subject property and that an engineer's report with a cost to cure the foundation and moisture problems would be required.

14. During cross-examination, Respondent's witness testified that she does not believe Sale 1 and Sale 2 were located on the golf course, and therefore, a land value adjustment was not necessary. She does not know why there was so much difference in the sale prices of Sales 3 and 4 as she did not see any significant differences such as upgraded condition. Ms. Wilcox indicated that

revised valuations were sent due to a mistake in the Assessor's Office. Approximately 3,000 valuations were erroneously printed due to a computer error and sent out before they could be stopped.

15. Based on questions from the Board, the witness testified that all of the comparable sales are Falcon Homes. She is not aware of structural problems with any of the comparable sales or other dwellings within the neighborhood, although she is not an engineer and does not feel qualified to determine those problems.

16. Respondent assigned an actual value of \$526,909.00 to the subject property for tax year 2003.

### **CONCLUSIONS:**

1. Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2003.

2. Although the Petitioner verbally presented six comparable sales for this hearing, no adjustments or time trending was applied to the sales, nor were they verified through typical appraisal practice. Due to a lack of information on the physical characteristics of the sales, the Board was unable to apply the appropriate adjustments, and therefore, could give little weight to Petitioner's comparable sales.

3. The Board recognizes that it is Petitioner's responsibility to provide documentation regarding any structural damage that may impact the overall quality of the improvements or in order to procure any changes in Respondent's records. The Petitioner did not provide an engineer's report nor did he provide a reliable cost to cure that could affect the value of his property.

4. The Respondent provided four comparable sales utilizing the market approach. The Board believes that, based on the map contained in Respondent's appraisal report and Petitioner's testimony, Sale 1 does back to the golf course and that a \$50,000.00 land value adjustment should be applied. The resulting adjusted value of Sale 1 would be \$499,717.46 or \$128.86 per square foot.

5. The Board agrees with the Respondent that Sale 1 was the most influential sale to the subject property and by making an adjustment to its land value, the Board has determined that the subject property should be reduced.

6. The Board concluded that the 2003 actual value of the subject property should be reduced to \$499,000.00.

**ORDER:**

Respondent is ordered to reduce the 2003 actual value of the subject property to \$499,000.00.

The Douglas County Assessor is directed to change his/her records accordingly.

**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 14<sup>th</sup> day of February, 2003.

**BOARD OF ASSESSMENT APPEALS**

*Karen E Hart*

Karen E. Hart

*Judee Nuechter*

Judee Nuechter

This decision was put on the record

**FEB 12 2004**

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

*Penny S. Lowenthal*  
Penny S. Lowenthal

