

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>IRA WILLIAM AND CHRISTINE LOUISE HOLROYD,</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: Ira William Holroyd Address: 3240 Country Club Parkway Castle Rock, Colorado 80108 Phone Number: (303) 814-8309</p>	<p>Docket Number: 41561</p>
<p style="text-align: center;">ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on March 1, 2004, Karen E. Hart and MaryKay Kelley presiding. Petitioners appeared pro se. Respondent was represented by Michelle B. Gombas, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**3240 Country Club Parkway, Castle Rock, Colorado
(Douglas County Schedule No. R0391951)**

Petitioners are protesting the 2003 actual value of the subject property, a 2,117 square foot home with walkout basement and three-car garage in The Greens, a patio home subdivision in Castle Pines Village.

ISSUES:

Petitioner:

Petitioners contend that the subject property has been incorrectly valued for tax year 2003. Respondent incorrectly valued golf course premiums for the comparable sales.

Respondent:

Respondent contends that the 2003 actual value of the subject property is correct based on the market approach.

FINDINGS OF FACT:

1. Mr. Ira W. Holroyd presented the appeal on behalf of Petitioners.
2. Mr. Holroyd presented six sales ranging in sales price from \$497,000.00 to \$620,000.00 and in size from 1,909 to 2,333 square feet. After adjustments were made, the sales ranged from \$450,000.00 to \$480,000.00. Petitioners are estimating the value of the subject property at \$480,000.00.
3. Petitioner testified that he placed most weight on Sales 1, 3 and 5 as he considered them most similar to the subject, which has a partially finished walkout basement and standard interior finish but no golf course premium. Sale 1 at 3238 Country Club Parkway sold for \$620,000.00 with a partially finished walkout basement, golf course premium, Castle Pines Golf Club membership rights, and superior interior upgrades. Sale 3 at 3237 Country Club Parkway, which sold for \$550,000.00, has views of the golf course and the mountains, Golf Club membership rights, and superior interior upgrades but an unfinished non-walkout basement. Sale 5 at 3234 Country Club Parkway, which sold for \$575,000.00, is located on the golf course and has a partially finished walkout basement. Sales 2, 4 and 6 are located outside The Greens. Sale 2 at 3107 Ramshorn Drive sold for \$525,000.00 and has a golf course premium. Sale 4 at 435 Hyland Drive sold for \$515,000.00 and is a larger house on one-half acre. Sale 6 sold for \$497,000.00 and does not carry a golf course premium.
4. Petitioner testified that real estate experts report that golf course premiums in Castle Pines Village range from \$75,000.00 to \$100,000.00, and he contends that the Assessor's \$32,800.00 adjustment is too low.
5. Petitioner testified that the Assessor did not recognize and adjust for the superior interior features at 3238 Country Club Parkway, which is Sale 1 in Petitioner's Exhibit A and Sale 4

in Respondent's Exhibit 1 and for which the builder charged \$70,000.00; or for the superior interior features of 3237 Country Club Parkway, which is Sale 3 in Petitioner's Exhibit A and Sale 5 in Respondent's Exhibit 1.

6. Petitioner is requesting a 2003 actual value of \$475,000.00 for the subject property.

7. Respondent's witness, Mr. Jerry McLeland, a Certified Residential Appraiser with the Douglas County Assessor's Office, presented an indicated value of \$520,000.00 for the subject property based on the sales comparison (market) approach.

9. Mr. McLeland presented five comparable sales ranging in sales price from \$515,000.00 to \$620,000.00 and in size from 2,107 to 2,197 square feet. After adjustments were made, the sales ranged from \$522,279.36 to \$602,599.20.

10. Mr. McLeland testified that all five sales are ranches located within The Greens. He adjusted for the following: size of the improvements; basement size, finish, and walkout; garage size; year of construction; site/view and time trending. He placed most weight on Sales 1 and 3 because they, like the subject, do not carry golf course premiums. He presented Sale 2 as supportive, although its selling price and adjusted value are considerably higher than the other comparables.

11. On cross-examination, Mr. McLeland testified that he researched the Douglas County Assessor's records and was not convinced that comparable sales' interior features or materials carried additional value. He further testified that the Assessor's records did not report golf course memberships as included in any of the sales prices and that they are not considered to be real property.

12. Respondent assigned an actual value of \$520,000.00 to the subject property for tax year 2003.

CONCLUSIONS:

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

2. The Board placed greatest weight on the Respondent's appraisal, which presents sales comparables on a market grid with line item adjustments. Petitioner's sales data does not include line item adjustments or sufficient data to create satisfactory market grids for comparison. It should be noted, however, that Petitioner has provided additional interior data not available to the Respondent.

3. The Board recognizes that the value of the golf course premium is paramount to estimation of market value. Neither Petitioners nor Respondent has convinced the Board that either golf course adjustment is correct. Therefore, the Board placed considerable weight on non-golf-course sales within The Greens, those being Respondent's Sales 1 and 3, which are most similar to

the subject. Neither of the Petitioner's non-golf-course comparables, Sales 4 and 6, are located within The Greens, and based on photographs and limited descriptions, do not appear to be true comparisons. Petitioner's Sale 2 at 3107 Ramshorn Drive, located in a nearby patio home subdivision on the golf course, does not include sufficient data for comparison, such as basement size, walkout or non-walkout basement, lot size, interior data, etc.

4. The Board contends that the upgrades described in Petitioner's Sales 1 and 3 carry value in the market. Sale 1 has maple cabinets, extensive granite counters and marble floors, entertainment center and built-ins, steam shower, central vacuum system, wet bar, etc. They may or may not carry full builder price of reportedly \$70,000.00, but are considered marketable and likely to add value. The Board also recognizes that these upgrades may not be listed in the Douglas County Assessor's files and, therefore, would not have been considered in Respondent's value estimation.

5. The Board, in an attempt to define the value of a golf course premium and superior interior features, has compared the following sales: Respondent's Sale 4 is on the golf course, has superior upgrades, and without the golf course adjustment, has an adjusted sales price \$634,984.00; Respondent's Sale 1 is not on the golf course and has an adjusted sales price of \$522,279.36. The difference is \$112,704.64, which is assumed to address the golf course premium and superior upgrades, no other details being available. If the \$112,704.64 difference were applied to Respondent's Sale 4, the adjusted sales price would be \$522,279.36, which supports Respondent's estimated value of the subject property at \$520,000.00.

6. The Board, in a further attempt to define the golf course premium, has compared Respondent's Sales 5 and 3, both without walkout basements. Sale 5 is on the golf course with an adjusted sales price of \$567,258.00 without the golf course adjustment. Sale 3, not on the golf course, has an adjusted sales price of \$534,281.96. Application of this \$32,976.04 difference, assuming it applies to the golf course premium, results in an adjusted sales price for Sale 5 of \$534,281.96, which supports Respondent's estimated value of the subject property at \$520,000.00.

7. The Board acknowledges that membership rights to the Castle Pines Golf Club may carry value but was presented no market evidence of that memberships were included in the comparable sales prices.

8. Based on all of the evidence and testimony presented, the Board affirms Respondent's assigned value of \$520,000.00 for tax year 2003.

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 31st day of March, 2004.

BOARD OF ASSESSMENT APPEALS

Karen E Hart
Karen E. Hart

MaryKay Kelley
MaryKay Kelley

This decision was put on the record

MAR 30 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

