

| | |
|--|------------------------------------|
| <p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>JAMES B. AND SUE A. CREAGER,</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: James B. Creager Address: 1049 Deer Clover Way Castle Rock, Colorado 80108 Phone Number: (303) 660-4902</p> | <p>Docket Number: 41563</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:

**1049 Deer Clover Way, Castle Rock, Colorado
(Douglas County Schedule No. R0392674)**

Petitioners are protesting the 2003 actual value of the subject property, a 2,127 square foot ranch with two-car garage and walkout basement on the golf course in the Bristlecone Village patio home subdivision in Castle Pines North.

ISSUES:

Petitioner:

Petitioners contend that the subject property was overvalued for tax year 2003, that superior decks and a structural wood basement floor for comparable sales were not addressed and that value was unfairly affected by time trending.

Respondent:

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

FINDINGS OF FACT:

1. Mr. James B. Creager, presented the appeal on behalf of Petitioners.
2. Mr. Creager did not present any comparable sales of his own.
3. Petitioner's Exhibit A was admitted into evidence and consists of the Douglas County Board of Equalization (CBOE) appraisal, Douglas County Assessor Online Property Profiles, builder option sales prices, and Petitioners' adjustment grid.
4. Petitioners' Exhibit B consists of photos of the subject property and comparable sales. The photo of Sale 1 shows a similar main level deck and a walkout basement deck extending further into the yard and to the corner of the house for which the builder charged \$4,100.00. The photo of Sale 2 shows a main level deck and a walkout basement patio like the subject. The photo of Sale 3 shows a similar-sized main level covered deck, a walkout basement patio, and brick columns. The builder charged \$9,400.00 for the deck cover. Mr. Creager testified that superior decking adjustments for Sales 1 and 3 were not made by the Respondent.
5. Mr. Creager testified that Sale 1 has a structural wood floor for which the builder charged \$5,400.00 and for which the Respondent made no adjustment.
6. Mr. Creager disagreed with Respondent's calculation of 1,257 square feet of basement finish, which was increased from 1,061 square feet following the February 2004 interior inspection. Mr. Creager contends that the square footage beneath the staircase should not be included as finished space and that the irregular-shaped area in the sketch has been calculated incorrectly.
7. Mr. Creager testified that he did not realize until after his Board of Equalization hearing that time adjusted sales prices for comparable sales and actual values were different figures. Petitioners contend that actual value should be used to determine value for his property with the following formula: actual value for each comparable sale; plus/minus adjustments made in the

CBOE market grid of the appraisal; plus/minus adjustments for decking and/or structural wood floor. This formula yields a total value for Sales 1 through 3, respectively, of \$377,055.00, \$365,762.00, and \$376,450.00. He testified that the actual value of his property should reflect these numbers.

8. Petitioners are requesting a 2003 actual value of \$379,374.00 or less for the subject property.

9. Respondent's witness, Beth Wilcox, a Certified Residential Appraiser with the Douglas County Assessor's Office, presented an indicated value of \$389,373.00 for the subject property based on the market approach.

10. Respondent's witness presented three comparable sales ranging in sales price from \$383,900.00 to \$407,500.00 and in size from 2,127 to 2,159 square feet. After adjustments were made, the sales ranged from \$397,196.12 to \$439,095.16.

11. Ms. Wilcox, accepted by the Board as an expert witness in the field of real property appraisal, presented Respondent's Exhibit 1, an appraisal of the subject property as of June 30, 2002. Ms. Wilcox had performed an interior inspection of the subject property. She testified that the comparable sales are all ranches with walkout basements and two-car garages. Adjustments were made for age and size, basement finish, fireplaces, air conditioning, and view. Sales 1 and 2 are located on the subject block with golf course premiums like the subject, whereas Sale 3 carries a positive \$10,000.00 adjustment for its inferior greenbelt site. All sales were time-trended to June 30, 2002, as required by statute.

12. Ms. Wilcox testified that she did not make adjustments in the appraisal for decks and patios. Responding to questions from the Board, she testified that she is not convinced that the higher sales prices of Sales 1 and 3 are related to their superior decking, that the difference could be related to inadequate adjustments for basement finish and/or time trending.

13. Respondent assigned an actual value of \$389,374.00 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 is convinced, based on photos, that the decks of Sales 1 and 3 are superior to the subject and would likely add value in the marketplace. Although the original purchasers of Sales 1 and 3 may have paid \$4,100.00 and \$9,400.00, respectively, for the decks, the Board is not convinced that they would realize the same premiums on resale. The Board is convinced, however, that these decks are superior and assigns \$2,500.00 to Sale 1 for its large lower deck and \$5,000.00 to Sale 3 for its upper deck cover and brick columns. These adjustments result in an adjusted sales price of \$434,013.44 for Sale 1 and \$434,095.16 for Sale 3. As the Respondent has assigned actual

value at \$389,373.00, this being below the range of all three adjusted sales prices, the additional adjustments for Sales 1 and 2 have no effect.

3. The Board recognizes that builders charge for installation of structural wood floors but is not convinced that any market value is realized in the marketplace.

4. The Board understands Petitioners' confusion regarding time-trended sales price and actual value, but the Respondent is bound by statute to apply time trending from the closing date of each comparable sale to June 30, 2002. If time trending adjustments were omitted and deck adjustments were included, the adjusted sales prices would be \$405,732.44 for Sale 1, \$397,196.12 for Sale 2, and \$400,296.16 for Sale 3, all higher than Respondent's final estimated market value and actual value of \$389,373.00.

5. Based on all of the evidence and testimony presented, the Board affirms Respondent's assigned value of \$389,373.00 for tax year 2003.

ORDER:

The petition is denied. The Board recommends that Petitioners' finished basement square footage be re-calculated for the next assessment period.

APPEAL:

Petitioners 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

