

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>ROBERT LEE ROTH,</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: Robert Lee Roth Address: 9726 Brook Hill Court Lone Tree, Colorado 80124 Phone Number: (303) 723-8324</p>	<p>Docket Number: 42017</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on June 30, 2004, Judge Nuechter and Karen E. Hart presiding. Petitioner appeared pro se. Respondent was represented by Michelle B. Gombas, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**9726 Brook Hill Court, Lone Tree, Colorado
(Douglas County Schedule No. R0407179)**

Petitioner is protesting the 2003 actual value of the subject property, a 2,168 square foot, ranch style dwelling built in 2001, with a 2,147 square foot full finished basement and a 510 square foot attached garage, located in the Enclave at Heritage Hills, Lone Tree, Colorado.

ISSUES:

Petitioner:

Petitioner contends that the subject property is part of a 122-site patio home development, which currently has some drainage issues. Respondent has not valued the subject property similarly to other houses in the development.

Respondent:

Respondent contends that the subject property has been correctly valued using the market approach. The subject property sold within the base period for a price that more than supports the assigned value.

FINDINGS OF FACT:

1. Mr. Robert Lee Roth, Petitioner, presented the appeal on his own behalf.
2. Mr. Roth testified that the subject property is located next to the rear gate of the development, near the Safeway shopping center. He believes that the original developer's lot premium and pricing information should be considered in the valuation of his property. Also, there is a drainage issue that was not considered by Respondent.
3. Petitioner is requesting a 2003 actual value of \$400,000.00 for the subject property based on an equalization argument.
4. Respondent's witness, Mr. Larry Shouse, a Certified General Appraiser with the Douglas County Assessor's Office, presented an indicated value of \$497,231.00 for the subject property based on the market approach.
5. Mr. Shouse testified that the subject sold on June 27, 2001 for \$533,100.00. The level of value date is June 30, 2002. Only the direct sales comparison approach to value may be used to value residential properties; equalization valuation cannot be considered.
6. Respondent's witness presented four comparable sales ranging in sales price from \$453,400.00 to \$542,000.00 and in size from 2,192 to 2,260 square feet. After adjustments were made, the sales ranged from \$478,121.98 to \$526,048.60.
7. Mr. Shouse testified that he selected the most similar properties he could find in size and style. Respondent's Comparable Sales 1 and 2 are superior site locations. Comparable Sale 3 backs to Yosemite Street and Comparable Sale 4 backs to the same retail center as the subject. All of the sales are representative of the subject and were adjusted for time and differences in physical characteristics. Comparable Sale 4 has the lowest price of the comparables; it backs to both a street and a retail area. He is not aware of any drainage issues affecting the subject or the comparables during the base period.

8. Respondent assigned an actual value of \$497,232.00 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. Petitioner attempted to present evidence and testimony based on the Douglas County Assessor's valuation of other properties. This Board may only consider assessment equalization data when used to support the market approach to value conclusion.

3. Petitioner presented a list of unadjusted sold properties on page 4 of Exhibit A; four of the sales occurred before the 18-month study period. However, no information was provided regarding physical characteristics or location of the properties from which the Board could make adjustments to determine the subject's market value based on these sales.

4. Petitioner's list of lot premiums could not be considered as the Board must consider the total valuation of residential property and cannot address the separate values of land and improvements.

5. Respondent's witness presented a well-supported and well-documented appraisal report. Respondent's adjusted comparable sales support the assigned value of \$497,232.00. The Board also notes that the actual sale of the subject property at \$533,100.00 is more than the assigned value and occurred during the base period.

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.

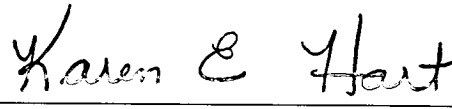
If Respondent alleges procedural errors or errors of law by this Board, Respondent may petition the Court of Appeals for judicial review within 30 days from the date of this decision.

DATED and MAILED this 21st day of October 2004.

BOARD OF ASSESSMENT APPEALS



Judee Nuechter

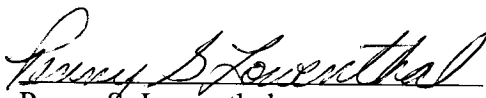


Karen E. Hart

This decision was put on the record

OCT 21 2004

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



Penny S. Lowenthal

