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| <p><b>BOARD OF ASSESSMENT APPEALS,<br/>STATE OF COLORADO</b><br/>1313 Sherman Street, Room 315<br/>Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>EDWARD F. MOCK,</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: Edward F. Mock<br/>Address: 7556 Nuthatch Circle<br/>Parker, Colorado 80134<br/>Phone Number: (303) 840-8496</p>   | <p><b>Docket Number: 42217</b></p> |
| <p style="text-align: center;"><b>ORDER</b></p>   |                                    |

**THIS MATTER** was heard by the Board of Assessment Appeals on July 14, 2004, MaryKay Kelley 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:

**7556 Nuthatch Circle, Parker, Colorado  
(Douglas County Schedule No. R0400565)**

Petitioner is protesting the 2003 actual value of the subject property, a ranch style house built in 1999 consisting of 2,479 square feet with a partially finished basement and attached garage, located in the Pinery subdivision, Parker, Colorado.

## **ISSUES:**

### **Petitioner:**

Petitioner contends that the subject property has been overvalued due to a lack of proper consideration of the superior amenities of the comparable sales used by Respondent.

### **Respondent:**

Respondent contends that the subject property has been correctly valued using the market approach to value.

## **FINDINGS OF FACT:**

1. Mr. Edward F. Mock, Petitioner, presented the appeal on his own behalf.
2. Based on his original purchase price on April 30, 1999, Petitioner presented an indicated value of \$478,200.00 for the subject property. Mr. Mock testified that additional landscaping and air conditioning were installed after the purchase of the subject property.
3. Petitioner did not present any comparable sales, choosing to critique Respondent's comparable sales.
4. Mr. Mock testified that the subject property has no view from the lower level walkout basement, and that the views from the main level are partially obstructed. The subject has maple cabinets and flooring, and tile counter tops. It does not have a home theater.
5. Mr. Mock testified that the comparable sales have superior views. Comparable Sales 2 and 3 are located on a cul-de-sac and Comparable Sale 1 is located next to an open space tract, all of which he considers to be superior locations. Properties on a cul-de-sac do not have through-traffic; unlike his property, which has an inferior location at an intersection.
6. Mr. Mock testified that he has been inside each of the comparable sales. Comparable Sale 1 is superior to the subject in characteristics such as location, lot size, view, wood decking, cherry wood cabinets and flooring, home theater, and granite slab countertops. The Douglas County Assessor incorrectly lists this property as a 1 bedroom, 1 bathroom house, when it is in fact a 4 bedroom, 4 bathroom house. Comparable Sale 3 has cherry wood cabinets, three bathrooms, granite slab countertops, and a home theater. He believes the home theater feature is worth at least \$30,000.00 based on cost estimates he obtained and he believes the cost would be recovered at an equal or superior amount in the market.
7. Petitioner is requesting a 2003 actual value of \$478,200.00 for the subject property.

8. Respondent's witness, Mr. Larry Shouse, a Certified General Appraiser with the Douglas County Assessor's Office, presented an indicated value of \$574,899.00 for the subject property based on the market approach.

9. Respondent's witness presented three comparable sales ranging in sales price from \$565,000.00 to \$770,000.00 and in size from 2,187 to 2,468 square feet. After adjustments were made, the sales ranged from \$572,596.80 to \$644,523.00.

10. The comparable sales are located in the same neighborhood as the subject property. Each of the comparables was adjusted for differences in physical characteristics. All of the comparables are of ranch style design, comparable in age and quality of construction to the subject, have similar partially finished basements, and have slight differences in garage sizes. Comparable Sale 1 was adjusted for differences to the subject property, such as its superior upgrades, home theater, superior view, and landscaping; it is a premium lot. The remaining two comparables are very near the subject in location; one comparable touches the subject at a corner. Mr. Shouse admitted that cul-de-sac locations have less traffic than properties located on through roads; however, he believes that this is offset by negative parking issues. Comparable Sale 1 had a large number of adjustments and was given less weight in the conclusion of value. Comparable Sales 2 and 3 are most similar to the subject and were given the greatest weight; their adjusted values bracket the subject's County Board of Equalization assigned value.

11. Respondent assigned an actual value of \$574,899.00 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. Respondent's witness presented a well-organized and well-supported appraisal report. The comparable sales were properly adjusted for differences in characteristics, and the resulting value range supported Respondent's assigned value.

3. Petitioner did not present any comparable sales, choosing to critique Respondent's sales and adjustments. Although Petitioner testified that there were superior features at each of the comparable properties, he did not present an opinion as to what the adjusted sales prices should be based on market analysis. Petitioner presented a cost estimate for home theaters and interior upgrades, which is something this Board cannot consider. Only adjustments extracted from market analysis may be used in the valuation process of residential properties for ad valorem purposes. The Board recognizes that Respondent's Comparable Sale 1 is a superior property as compared to the subject and agrees that it should be given less weight than the remaining comparables. According to Petitioner's testimony, Comparable Sale 2 does not have a home theater or the upgrades included in the other two sales. The adjusted sales price of Comparable Sale 2 still supports the assigned value of the subject property.

4. Petitioner argued that the land value of the subject property, as allocated by Respondent, was incorrect and requested a reduction of the land portion of the subject's value. The Board cannot separately consider land and improvement values. Only the total market value of the subject property may be considered. Any differences in site characteristics are considered in a market analysis and include characteristics such as size, view, location, and etcetera. If there is no market recognition for such differences, no adjustments are necessary. Respondent's witness made adjustments for characteristics that he believed affected market value. Petitioner did not present any evidence to support additional adjustments.

5. After careful consideration of all of the testimony and evidence presented, the Board affirms Respondent's assigned value of \$574,899.00.

**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 4<sup>th</sup> day of August 2004.

BOARD OF ASSESSMENT APPEALS

MaryKay Kelley  
MaryKay Kelley

Karen E Hart  
Karen E. Hart

This decision was put on the record

AUG 04 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

