

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>WALTER A. OHMART, JR. AND MARIE T. OHMART,</p> <p>v.</p> <p>Respondent:</p> <p>DENVER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 49062</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on October 28, 2008, Karen E. Hart and James R. Meurer presiding. Mr. Walter A. Ohmart, Jr. appeared pro se on behalf of Petitioners. Respondent was represented by Max Taylor, Esq. Petitioners are protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**6700 W. Dorado Drive, Unit 54, Denver, Colorado
(Denver County Schedule No. 09145-05-032-000)**

The subject is a single-family detached house located in Filing 14 of the Villages at Raccoon Creek subdivision in the southwest submarket of the City and County of Denver. The Villages at Raccoon Creek is gated and part of the larger Grant Ranch development consisting of single and multi-family uses, as well as recreational amenities. The house is ranch-style, contains 1,966 square feet including 1 bedroom and 2.5 baths. It was constructed in 1998 and has a 3-car garage. There is a 1,822-square-foot basement with 80% finish. The house has gas forced air heat and central air conditioning. Lot size is 7,047 square feet and to the rear of the lot is a small green belt. Both Petitioners and Respondent agree as to the physical characteristics of the subject.

Based on the market approach, Petitioners presented an indicated value of \$402,500.00 for the subject property.

Petitioners presented two unadjusted sales in the subject subdivision. Petitioners' first comparable was Unit 31 which sold in June of 2005 for \$387,500.00 and contained 2,020 square feet with a 1,553-square-foot basement. Petitioners indicated that this house was similar to the subject. Petitioners' second comparable was Unit 39 which sold in April of 2006 for \$402,500.00 and contained 1,965 square feet with a 1,520-square-foot basement. Petitioners indicated that this comparable was identical to the subject with the exception of granite countertops, and is located two houses to the east. Mr. Ohmart stated that he had inspected the interior of these sales.

In addition to the two comparable sales, Petitioners argued that the subject does not have the superior location within the subdivision as described by the County and that the size of the greenbelt to the rear of the property was minimal. Petitioners further argued that Respondent's Comparable 1 was far superior to the subject and was highly customized including gourmet kitchen, fireplace, tile, and a hot tub. In addition, Petitioners noted that Respondent's Comparable 3 was a two-story house rather than a one-story similar to the subject.

Petitioners are requesting a 2007 actual value of \$402,500.00 for the subject property.

Respondent presented an indicated value of \$490,000.00 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sales price from \$387,500.00 to \$480,000.00 and in size from 1,918 to 2,352 square feet. After adjustments were made, the sales ranged from \$484,875.00 to \$527,099.00. Respondent's major adjustments to the comparables were for date of sale, view, condition, living area and basement square footage, and garage. Respondent indicated that they were unable to inspect the interior of the subject. According to Respondent's witness, the significant view adjustment for Comparable 1 was because this sale backed to Grant Ranch Blvd.

Respondent argued that the subject was in a superior location within the subdivision and was located on a greenbelt near the golf course. Respondent further argued that Petitioners' Comparable 2 should not be considered a market sale since it was a for-sale-by-owner, was not listed in the MLS, had some structural damage, and was purchased by an investor.

Respondent assigned an actual value of \$472,100.00 to the subject property for tax year 2007.

Petitioners presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2007.

The Board concludes that Respondent's market approach does not accurately reflect value for the subject considering the location, condition, and physical characteristics of the house. The Board places most weight on the sale of Unit 31 (Petitioners' Comparable 1 and Respondent's Comparable 2). The Board further concludes that reasonable adjustments to the sales should include date of sale, location, condition, square footage, basement, basement finish, and garage. In addition, the Board considers the significant view adjustments to Respondent's sales to be unsupportable; however, has

considered location adjustments in the conclusion of value. The Board concludes to a 2007 actual value of \$425,000.00 for the subject property.

The Board concludes that the 2007 actual value of the subject property should be reduced to \$425,000.00

ORDER:

Respondent is ordered to reduce the 2007 actual value of the subject property to \$425,000.00

The Denver County Assessor is directed to change his records accordingly.

APPEAL:

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of CRS § 24-4-106(11) (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of CRS § 24-4-106(11) (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).


In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

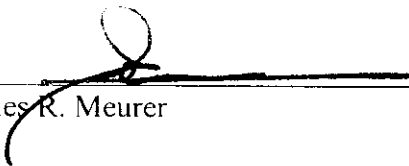
CRS § 39-8-108(2) (2008).

DATED and MAILED this 18th day of November 2008.

BOARD OF ASSESSMENT APPEALS



Karen E. Hart

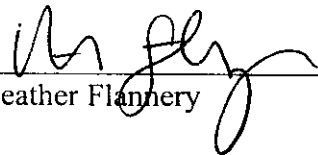


James R. Meurer

This decision was put on the record

NOV 17 2008

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



Heather Flannery

