

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>BEVERLY S. PHILLIPS,</p> <p>v.</p> <p>Respondent:</p> <p>DOUGLAS COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 49143</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on July 23, 2008, Debra A. Bambach, Karen E. Hart, and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by Michelle B. Whisler, Esq. Petitioner is protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**8439 North Delbert Road, Parker, Colorado
(Douglas County Schedule No. R0134754)**

The subject property is located east of Parker on a 20-acre site with a one-story residence, an unfinished basement, an attached garage, and a barn. Respondent assigned an actual value of \$458,685.00 to the subject property for tax year 2007. Petitioner is requesting a value of \$385,000.00.

Based on the market approach, Petitioner’s witness presented an indicated value of \$400,000.00 for the subject property. The witness presented a narrative summary report with three comparable sales ranging in sales price from \$418,000.00 to \$485,000.00. The report, absent specific quantitative adjustments, concluded to an adjusted value range from \$395,000.000 to \$400,000.00.

Based on the market approach, Respondent's witness presented an indicated value of \$475,000.00, with three comparable sales ranging in sales price from \$405,000.00 to \$485,000.00. After adjustments were made, the sales ranged in price from \$474,795.00 to \$511,135.00.

The Board notes that Sales 1 and 3 are identical in the two reports. Petitioner's Sale 4 was not considered for comparison because it was purchased for land value. No weight is given Petitioner's Sale 2 because of its berm design. Respondent's Sales 4, 5, 6, and 7 were not considered because of their considerably smaller acreages.

Petitioner's witness described deferred maintenance for the subject residence, estimating \$30,000.00 for repairs. Respondent's witness was not granted access to the property and assumed typical maintenance and average condition. Neither party provided reliable or convincing information about the condition of comparable sales or the extent of remodeling of Sale 1, which both parties agreed existed and for which Respondent made a negative \$25,000.00 adjustment. While the Board does not disagree that the subject property has deferred maintenance, it is not convinced that all of the comparable sales are in superior condition.

The subject property has four acres referred to as livable area and sixteen acres of pastureland. Petitioner's witness contended that the subject's pastureland is not buildable because of variable terrain, and that pastureland of the comparable sales is 100% buildable and therefore superior. Respondent's witness made adjustments of \$8,500.00 per livable acre and \$5,000.00 per pasture acre to the comparable sales. The Board finds that pastureland carries value in this horse-property market and agrees with Respondent's site adjustments. Grazing, not building potential, is the issue.

Petitioner testified that rolling terrain in the subject's sixteen-acre pasture includes steep gullies bisecting the property and preventing vehicle access. Respondent's witness, who was not permitted inspection, was not convinced of inaccessibility and presented a photograph showing tire tracks in the distance, although the exact location of the tracks near the property line could not be confirmed. The Board concludes that inaccessibility to pastureland may impact market value but was not provided data on which to base an adjustment.

Petitioner's witness declined to make time adjustments, citing research reporting increasing values early in the base period and declining values in late 2005 and early 2006. Respondent's witness made positive time adjustments, citing Douglas County Assessor department analysis. Neither party provided market analysis exhibits for review. Respondent's adjusted values without time adjustments bracket Respondent's estimated value of \$475,000.00.

Petitioner's witness described the barn's value as minimal. Respondent assigned a market value of \$4,000.00, reflecting poor physical condition while retaining utility. The Board finds this adjustment appropriate.

Petitioner's witness argued that Respondent incorrectly identified the subject's garage as a four-car structure and that, therefore, the comparable sales' two-car garages carried excessive adjustments. The Board concludes that the garage's 1,350 square feet offers considerable storage and/or workspace and that Respondent's adjustments are appropriate.

The Board gives most weight to Respondent's appraisal because it adheres to standard residential appraisal practice with a market grid and persuasive quantitative adjustments. An additional adjustment might be appropriate for vehicle inaccessibility in the subject's pastureland, but no evidence was presented regarding such an adjustment. Further, the assigned value is lower than Respondent's estimated value.

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

ORDER:

The petition is denied.

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 Colorado Revised Statutes ("CRS") section 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 section 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.

Colo. Rev. Stat. § 39-8-108(2) (2008).

DATED and MAILED this 26th day of August 2008.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach
Debra A. Baumbach

Karen E. Hart
Karen E. Hart

MaryKay Kelley
MaryKay Kelley

This decision was put on the record

AUG 25 2008

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

Heather Flannery
Heather Flannery

