

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>ANGELA STARDUST,</p> <p>v.</p> <p>Respondent:</p> <p>DOUGLAS COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 50034</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on January 5, 2010, Louesa Maricle and Sondra W. Mercier presiding. Petitioner was represented by Sharon Slater. Respondent was represented by Robert D. Clark, Esq. Petitioner is protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**Vacant land addressed as 7864 Bowstring Trail, Parker
(Aka Lot 4, Block 7 Travois #2)
(Douglas County Schedule No. R0103413)**

The subject is a 5.03-acre residential lot located in an established subdivision in northeast Douglas County. There are a minimal number of undeveloped lots located in the subdivision.

Petitioner presented eight comparable sales. Four were transactions involving quit claim deeds; the Board gives these no weight because they were not arm's-length transactions. The remaining four sales indicated sale prices ranging from \$128,000.00 to \$225,000.00. All were approximately five acres in size, similar to the subject. Petitioner made no adjustments to the comparable sales.

Petitioner provided assessed land value for the eight sales as well as four improved properties located in Travois. Based on the assessed land value of the twelve properties, Petitioner is requesting a 2007 actual value of \$190,000.00 for the subject property.

Respondent presented an indicated value of \$295,000.00 for the subject property based on the market approach.

Respondent presented four comparable sales ranging in sale price from \$260,000.00 to \$300,000.00 and in size from 4.95 to 5.00 acres. No adjustment for date of sale was indicated by market data, as reported by Respondent's witness, Mr. John E. Whitley. No quantifiable adjustments were made to the comparable sales by Respondent. Respondent reported placing the greatest reliance on Comparable Sales 1 and 2, indicating a range in value of \$293,000.00 to \$300,000.00.

Respondent assigned an actual value of \$242,000.00 to the subject property for tax year 2007.

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

Respondent relied on the market approach to value the subject lot. "Our state constitution and statutes make clear that individual assessments are based upon a property's actual value and that actual value may be determined using a market approach, which considers sales of similar properties." *Arapahoe County Board of Equalization v. Podoll*, 935 P.2d 14, 17 (Colo. 1997).

The Board is convinced that Petitioner's sales were inferior compared to the subject. Petitioner's sales included transfers by quit claim deed, sales that occurred outside the base period and sales that were inferior for topography and/or views. Petitioner relied on an equalization argument to support Petitioner's requested reduction in land value. The Board can consider an equalization argument if evidence or testimony is presented which shows the Board that the assigned values of the equalization comparables were derived by application of the market approach and that each comparable was correctly valued. Since that evidence and testimony was not presented, the Board gives limited weight to the equalization argument presented by Petitioner. While Petitioner contends that the value assigned by Respondent was incorrect, Petitioner did not provide sufficient evidence to demonstrate that the assigned value was incorrect.

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 Section 24-4-106(11), C.R.S. (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 Section 24-4-106(11), C.R.S. (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.

Section 39-8-108(2), C.R.S.

DATED and MAILED this 21st day of January 2010.

BOARD OF ASSESSMENT APPEALS



Louesa Maricle



Sondra W. Mercier

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


Heather Flannery