

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>CATHERINE L. RUIS,</p> <p>v.</p> <p>Respondent:</p> <p>WELD COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 50541</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on March 18, 2009, Diane M. DeVries and James R. Meurer presiding. Ms. Catherine Ruis appeared pro se. Respondent was represented by Cyndy Giauque, Esq. Both Petitioner and Respondent appeared via teleconference. Petitioner is protesting the 2008 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**865 Sagebrush Drive, Lochbuie, Colorado
(Weld County Parcel No. 1471-36-0-25-008, Account No. R0491501)**

The subject is a single-family detached house located in the Highplains subdivision in the town of Lochbuie. Lochbuie is located in southern Weld County approximately 20 miles northeast of the Denver metropolitan area. The house is two-story, was constructed in 2007, and is frame construction with a wood exterior and a composition shingle roof. Living area square footage is 1,354 square feet per measurement and blueprints, and there are 3 bedrooms and 2½ baths. There is a 2-car attached garage. Lot size is 6,299 square feet.

Based on an equalization analysis, Petitioner presented an indicated value of \$136,000.00 for the subject property.

Petitioner offered an equalization argument, comparing the assessed values of several properties in the subdivision to the value assigned to the subject property. The Board gave minimal weight to this equalization argument as it did not employ a market approach to determine a value for the subject property. "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). In addition, Petitioner referenced the purchase price of the subject property; however, this transaction occurred outside the 18-month statutory base period and was not considered by the Board.

Petitioner is requesting a 2008 actual value of \$136,000.00 for the subject property.

Respondent presented an indicated value of \$175,000.00 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sales price from \$175,000.00 to \$201,800.00 and in size from 1,354 to 1,684 square feet. All of the sales were in the same subdivision as the subject and Comparables 1 and 2 were the same model as the subject. After adjustments were made, the sales ranged from \$169,647.00 to \$180,900.00. Respondent adjusted the comparables for time, personal property included in the sales, and for the living area square footage of Sale 3. It appears that Respondent gave equal weight to all three comparables in their opinion of value.

Respondent assigned an actual value of \$172,679.00 to the subject property for tax year 2008.

Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2008.

After careful consideration of the testimony and exhibits presented in the hearing, the Board concludes that Respondent's assigned value accurately reflects the market value for the subject. The comparables used by Respondent are located in the subject neighborhood, are reflective of the market, and the adjustments to the comparables are supportable. The Board concludes that an additional negative adjustment to Sale 3 is warranted for lot size; however, this additional adjustment would not change the final indication of value.

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 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).

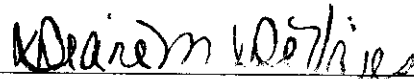
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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 31st day of March, 2009.

BOARD OF ASSESSMENT APPEALS



Diane M. DeVries


James R. Meurer

This decision was put on the record

MAR 31 2009

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


Heather Flannery