

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>JOHN P. CUTIC,</p> <p>v.</p> <p>Respondent:</p> <p>DOUGLAS COUNTY BOARD OF COMMISSIONERS.</p>	<p>Docket No.: 51655</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on February 11, 2010, Debra A. Baumbach and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by Robert D. Clark, Esq. Petitioner is requesting an abatement/refund of taxes on the subject property for tax years 2007 and 2008.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**1091 Beacon Hill Drive, Highlands Ranch, Colorado
(Douglas County Schedule No. R0350659)**

The subject property is a 3,072 square foot two-story residence with partially-finished walkout basement and three-car garage built in 1992. The 0.203 acre site backs to a greenbelt.

Respondent assigned an actual value of \$423,015.00 for tax years 2007 and 2008. Petitioner is requesting a value of \$350,000.00 for each tax year.

Mr. Cutic described the roof as original and requiring replacement, estimated at \$10,000.00, prior to sale. Additionally, the driveway and walk to the front porch are settling and in need of mud jacking at an estimated cost of \$2,000.00.

Mr. Cutic, in his testimony, gave the median and mean selling price of single family homes in Highlands Ranch, December 2008, both of which were considerably lower than the assigned value. Mr. Cutic had insufficient information to determine whether these figures were for the month of December or for the entire year and whether the prices reflected attached homes, detached homes, or both. He also acknowledged that 2008 was post-base period for the tax years in question.

Mr. Cutic presented broker-provided Multilist Inc. data for “other than ranch homes” for years 2003 through 2008, noting that average prices for 2007 and 2008 were significantly lower than the subject’s assigned value. He acknowledged that these years were post-base period and that, additionally, the average homes sizes were considerably smaller than his, making them poor comparisons.

Mr. Cutic presented broker-provided Multilist Inc. data displaying average quarterly and annual selling prices for 2007 and 2008. He acknowledged that these years were beyond the base period and that, additionally, the average home sizes were considerably smaller than the subject, making them poor comparisons.

Petitioner’s requested value of \$350,000.00 is based on the above-mentioned average and median sales prices in Highlands Ranch.

Respondent presented a value of \$473,000.00 for the subject property based on the market approach. The witness presented three comparable sales ranging in sales price from \$387,500.00 to \$425,000.00 and in size from 2,433 to 3,047 square feet. Dates of sale fell within the 24-month extended base period ending June 30, 2006. After adjustments were made for time, size, basements (size, finish, and walkout), garage size, lot size and view premium, the sales ranged from \$454,048.00 to \$480,467.00.

Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax years 2007 and 2008.

The Board gives no weight to Petitioner’s requested value derived from comparing average or median sales prices to the subject’s assigned value. The average and median sales prices were of sales which occurred after the base period of January 1, 2005 through June 30, 2006, and cannot be considered by the Board. In addition, the Board gives little weight to an indicated value derived from average and median sales prices as this is not an appropriate appraisal method of valuing residential property.

The Board is not convinced that the subject property’s roof and exterior concrete render its condition inferior to Respondent’s comparable sales. Were Petitioner’s estimates for roof replacement and mud jacking to be applied, Respondent’s indicated value would be lowered but it would not affect the assigned 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 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 26th day of May 2010.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach

Debra A. Baumbach

MaryKay Kelley

MaryKay Kelley

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

Heather Flannery

Heather Flannery

