

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>FRED M. LOMBARDI,</p> <p>v.</p> <p>Respondent:</p> <p>BROOMFIELD COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 51658</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on January 13, 2010, MaryKay Kelley and Sondra W. Mercier presiding. Petitioner, Fred M. Lombardi, appeared pro se. Respondent was represented by Tami Yellico, Esq. Petitioner is protesting the 2009 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**14146 Chantilly Court, Broomfield, Colorado
(Broomfield County Schedule No. R0115863)**

The subject is a 3,917 square foot single family home on a 14,006 square foot lot. It is a two-story, custom built home completed in 2002, located in Filing 7 (aka The Island) of the Broadlands subdivision. The subject does not back up to the golf course or open space.

Based on the market approach, Petitioner presented an indicated value of \$650,000.00 for the subject property.

Petitioner presented seven comparable sales ranging in sales price from \$595,000.00 to \$747,600.00 and in size from 3,070 to 4,531 square feet. Petitioner made no adjustments to the comparable sales.

Petitioner contends that Respondent erroneously relied on older sales located within Filing 7 and did not give consideration to more recent sales of homes located in other areas of the Broadlands. Petitioner contends that prior to the hearing, a representative of Respondent indicated that consideration would be given to sales located within the Glen at the Broadlands.

Petitioner is requesting a 2009 actual value of \$650,000.00 for the subject property.

Respondent presented an indicated value of \$816,000.00 for the subject property based on the market approach.

Respondent presented five comparable sales ranging in time adjusted sales price from \$747,740.00 to \$859,500.00 and in size from 3,393 to 3,976 square feet. Respondent made adjustments for date of sale, square footage, finished basement area, number of baths, year built and number of fireplaces. After adjustments were made, the sales ranged from \$752,018.00 to \$851,765.00. Respondent's Sales 1 and 2 occurred within the base period; Sales 3, 4, and 5 occurred within the six month extended base period. All were custom built homes located in Filing 7 (The Island). None of the sales backed up to the golf course; although Sales 1, 2, 3 and 4 were adjacent to a recreation path.

Respondent assigned an actual value of \$776,070.00 to the subject property for tax year 2009.

Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2009.

The Board is convinced that Respondent erroneously excluded several sales identified by Petitioner that are located within Filing 7. The Board finds that in addition to Respondent's Sales 1 and 2, consideration should have been given to the sale of 4515 Fairway Lane and 4444 Fairway Lane, with some limited consideration given to 4401 Augusta Drive. No consideration is given to Petitioner's remaining sales because they are identified as "tract" built rather than custom built homes.

Petitioner applied no adjustments to any of the sales. Application of Respondent's adjustments to Petitioner's three sales, coupled with Respondent's Sales 1 and 2 indicates an adjusted average sales price of \$752,000.00 for the subject. This is at the bottom of the range of Respondent's sales including those that occurred within the six-month extended base period and just slightly above the range indicated by Petitioner's unadjusted sales.

The Board concludes that the 2009 actual value of the subject property should be reduced to \$752,000.00.

ORDER:

Respondent is ordered to reduce the 2009 actual value of the subject property to \$752,000.00.

The Broomfield 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 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).

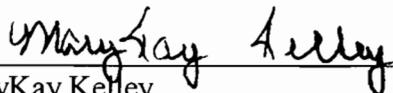
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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.

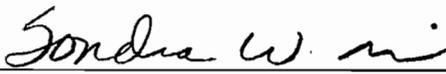
Section 39-8-108(2), C.R.S.

DATED and MAILED this 16th day of March 2010.

BOARD OF ASSESSMENT APPEALS

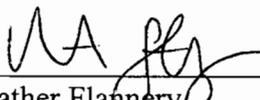


MaryKay Kelley



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

