

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>DANIEL L. & JANIS S. CASSON,</p> <p>v.</p> <p>Respondent:</p> <p>ARAPAHOE COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 51830</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on August 2, 2010, Sondra W. Mercier and Louesa Maricle presiding. Daniel Casson appeared pro se for Petitioners. Respondent was represented by George Rosenberg, Esq. Petitioners are protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**4611 East Phillips Place, Centennial, Colorado
Arapahoe County Schedule No. 2075-31-3-07-002**

The subject property is a single family residence located on a single lot in the Fairways of South Suburban subdivision. The residence was built in 1996 and is a two-story design with stucco exterior. According to Respondent's information, the residence has 2,504 square feet above grade, and a 1,320 square foot walkout basement including 1,006 finished square feet. The property also includes a 593 square foot, two-car attached garage.

Petitioners presented a value for the subject property of \$437,447.00 based on the market approach.

Petitioners contend that Respondent's time adjustment does not accurately reflect the drop in values during the base period, the finished square footage on the lower, walkout basement level of the residence used by Respondent is inaccurate, and the number of bathrooms reported by

Respondent is incorrect. All of these issues result in the overvaluation of the property. Petitioners also contend that of the sales used by Respondent, only Sale 1 is comparable to the subject.

As rebuttal evidence, Petitioners presented a revised allocation of the finished and unfinished lower level/basement areas using Respondent's improvement sketch and Mr. Casson's own measurements. Mr. Casson testified that the residence has 2½ bathrooms, not 4 as shown by Respondent. Petitioners made changes to Respondent's sales adjustment grid for Sale 1 only to reflect their revised finished and unfinished basement level square footage figures and the lower number of bathrooms. Petitioners also applied a 12% downward time adjustment to the sale based on their research of sales during the base period in the southeast metropolitan area. Petitioners relied on their analysis of Respondent's Sale 1 and did not present other comparable sales.

Respondent assigned an actual value of \$517,700.00 to the subject property for tax year 2009. Based on the market approach, Respondent presented an indicated value of \$496,500.00 for the subject property.

Respondent's witness, Merry Fix of the Jefferson County Assessor's Office, testified that she tried, but was unable to reach Petitioners to arrange to see the interior of the subject property and take measurements for Respondent's appraisal, so she relied on county records for square footage information used. The witness presented three comparable sales ranging in price from \$360,000.00 to \$505,000.00 and in size from 2,172 to 2,475 square feet. The witness's analysis of changing market conditions indicated that no adjustment for time was required. Adjustments were made for golf course location, construction quality, age, living area, finished and unfinished basement area, bathroom count, number of fireplaces, walkout basement, and patio area. After adjustments, the sales ranged from \$487,500.00 to \$510,500.00. The witness testified that most weight was given to Sale 1.

The Board concludes that Petitioners' downward time adjustment is inadequately supported. The Board concludes that Petitioners' methodology of taking his adjusted sale price for Respondent's Sale 1, dividing it into a price per square foot, and applying that figure to the square footage of the subject property is incorrect appraisal methodology because the difference in size was already reflected in the adjusted sale price. Therefore, the Board has given little weight to Petitioners' conclusion of value for the property. The Board is relying on Respondent's total square footage of the lower/basement level. Because Respondent has not been given the opportunity to independently measure the finished and unfinished square footage on the lower level of the residence or confirm the number of bathrooms, the Board is relying on Petitioners' bathroom count and measurement of the unfinished basement area.

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

The Board changes the adjustments to Respondent's sales for the number of bathrooms using 2½ bathrooms for the subject property, rather than 4 used in Respondent's analysis and the \$3,000.00 per bathroom indicated value used by Respondent. The Board also changes the finished lower level/basement adjustments based on a 112 square foot increase in the unfinished basement area and corresponding 112 square foot decrease in finished lower level area (calculated by

subtracting Respondent's 314 square feet of unfinished area from Petitioners' 426 square feet of unfinished area). The Board's adjustment for the decreased finished square footage is based on the \$30.00 per square foot rate used by Respondent for finished lower level space. The resulting indicated range is \$479,800.00 to \$502,800.00. Giving most weight to Sale 1, as both Petitioners and Respondent did, the Board concludes that the 2009 actual value of the subject property should be reduced to \$488,700.00.

ORDER:

Respondent is ordered to reduce the 2009 actual value of the subject property to \$488,700.00.

The Arapahoe County Assessor is directed to change his/her 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 13th day of October 2010.

BOARD OF ASSESSMENT APPEALS

Sondra W. Mercier
Sondra W. Mercier

Louesa Maricle
Louesa Maricle

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

Amy Bruins
Amy Bruins

