

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>ORRIN J. SHARP,</p> <p>v.</p> <p>Respondent:</p> <p>TELLER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 51841</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on September 21, 2010, MaryKay Kelley and Diane M. DeVries presiding. Petitioner appeared pro se. Respondent was represented by Matthew A. Niznik, Esq. Petitioner is protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**360 Summer Haven Drive, Woodland Park, Colorado
Teller County Schedule No. R0053816**

The subject property a single family residence built in 2007 on 2.692 acres of land. It is a one and a half story frame stucco house with 1,820 square feet of finished living area, three bedrooms, two and one-quarter baths, 140 square feet of unfinished basement, a 574 square foot garage, a 450 square feet of deck, and 69 square feet of covered deck. There is a low producing well with a cistern installed inside the unfinished basement area. The subject site has a gently sloping topography.

Petitioner is requesting an actual value of \$259,191.00 for the subject property for tax year 2009, which would be the sum of a land value of \$48,254.00 and improvements of \$210,937.00. Petitioner is protesting the value of the land only; he has no issue with the value placed on the improvements. Respondent assigned a value of \$303,944.00 for the subject property for tax year 2009.

Petitioner did not present any comparable sales. Petitioner's argument is that of equalization and taxation. Petitioner believes that the value of the subject land should be \$48,254.00.

Petitioner is requesting a 2009 actual value of \$259,191.00 for the subject property.

Respondent presented a value of \$303,994.00 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sale price from \$215,000.00 to \$257,000.00 and in size from 1,672 to 1,862 square feet. After adjustments were made, the sales ranged from \$296,787.00 to \$325,560.00. The witness concluded to a mean indicated value of \$309,080.00 and a median indicated value of \$304,895.00.

Ms. Janet L. Brooks, Certified General Appraiser for the Teller County Assessor's Office, testified that once a lot has been built, it has a site value and is not adjusted for topography and other lot amenities. The land value on Respondent's Exhibit A indicates the land value as assigned by the mass appraisal system.

Respondent assigned an actual value of \$303,994.00 to the subject property for tax year 2009.

The Board finds that Petitioner addressed the subject site as independent of the whole. Appropriate appraisal methodology requires valuation of an improved site as a single entity. Land and improvements are not to be valued separately.

Petitioner did not present any comparable sales. He presented the history of the subject lot with valuations and taxes. This is not an appropriate method to value residential property for tax year 2009. Residential property must be valued as a total unit value using comparable sales that occurred from January 1, 2007 through June 30, 2008 for a June 30, 2008 level of value. Colorado Revised Statutes limit sales to those occurring prior to January 1, 2007, in six months increments up to a total of five years.

Respondent used sales that occurred in the appropriate extended base period and made applicable adjustments. The Board is concerned with Respondent's use of mass-appraised actual land values rather than site-specific estimations of site values plus adjustments for size, topography, view, and other amenities. Because the comparable sale sites were not appropriately addressed and may not have adequately addressed site features, the Board believes that the 2009 actual valuation of the subject property should be concluded at the lower end of the range at \$296,987.00.

ORDER:

Respondent is ordered to reduce the 2009 actual value of the subject property to \$296,987.00.

The Teller 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 9th day of November 2010.

BOARD OF ASSESSMENT APPEALS

MaryKay Kelley

MaryKay Kelley

Diane M. DeVries

Diane M. DeVries

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

Amy Bruins
Amy Bruins

