

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**

1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 51842

Petitioner:

CARSTEN AND JANE A. HANNEN,

v.

Respondent:

**DOUGLAS COUNTY BOARD OF
COMMISSIONERS.**

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on March 8, 2010, James R. Meurer and MaryKay Kelley presiding. Carsten Hannen appeared pro se for Petitioners. Respondent was represented by Robert D. Clark, Esq. Petitioners are requesting an abatement/refund of taxes on the subject property for tax year 2008.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**5046 McClure Lane, Castle Rock, Colorado
(Douglas County Schedule No. R0439255)**

The subject property is a 2,568 square-foot ranch-style house with finished walkout basement and three-car garage built in 2006. Located on a 0.344 acre site, it backs to open space. Castle Pines Village is a gated, covenant controlled community with two golf courses, hiking trails, and recreational facilities.

Respondent assigned an actual value for tax year 2008 of \$811,637.00. Petitioners are requesting a value of \$747,000.00.

Mr. Hannen presented eight comparable sales ranging in sales price from \$610,000.00 to \$779,400.00 and in size from 2,465 to 2,731 square feet. All were ranch-styled homes with walkout basements built between 1999 and 2006. After time adjustments, the sales ranged from \$628,971.00

to \$803,639.00. No other adjustments were made to the sales. Based on these sales and others he researched, Petitioners are requesting an actual value of \$747,000.00 for the subject property.

Respondent presented a value of \$960,000.00 for the subject property based on the market approach. The witness presented five comparable sales ranging in sales price from \$849,900.00 to \$1,075,000.00 and in size from 2,471 to 3,160 square feet. All were ranch-styled homes with walkout basements built between 2001 and 2005. After adjustments were made, the sales ranged from \$949,039.00 to \$1,092,133.00. The witness put most reliance on Sales 1 and 2.

Respondent's witness described six of Petitioners' sales, located in Filing 27-A, as dissimilar: they are located some distance from the subject in an established, treed area of the Village; they are serviced by a different sub-homeowners' association; and their construction quality is inferior. Of thirteen ranch sales in Filing 27-A within the twenty-four-month base period, Petitioners' sales were the lowest in both sales price and in time-adjusted sales price. Another of Petitioners' sales was located in Filing 8-B, also some distance from the subject and the oldest of the sales with a 1999 construction date. Yet another sale, located in Filing 19-B, was nearer the subject than the other seven but was neither described in sufficient detail nor adjusted for differences.

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

The Board is persuaded that Respondent's comparable sales are the best indicators of value for the subject: they are located nearest the subject, construction quality is similar, and three of the five have lot premiums, as does the subject.

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 for assessment of the county wherein the property is located, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provision 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).

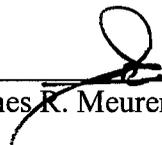
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law when Respondent alleges procedural errors or errors of law by the Board.

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 for assessment of the county in which the property is located, Respondent may petition the Court of Appeals for judicial review of such questions.

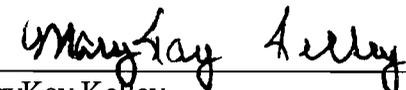
Section 39-10-114.5(2), C.R.S.

DATED and MAILED this 3rd day of June 2010.

BOARD OF ASSESSMENT APPEALS

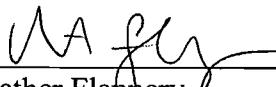


James R. Meurer



MaryKay Kelley

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



Heather Flannery

