

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>ALAN JAMES PARRINGTON,</p> <p>v.</p> <p>Respondent:</p> <p>GRAND COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 51906</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on May 24, 2010, Sondra W. Mercier and Louesa Maricle presiding. Alan James Parrington, Petitioner appeared pro se. Respondent was represented by Anthony J. DiCola, Esq. Petitioner is protesting the 2009 actual value of the subject property.

PROPERTY DESCRIPTION:

The subject property is described as follows:

**820 County Road 66, Grand Lake, Colorado
(Grand County Schedule No. R301254)**

The subject property is a single family residence located on a 0.54-acre lot in the Shores of Shadow Mountain subdivision approximately four miles south of Grand Lake, Colorado. The site has lake frontage and dock access, located on the south end of Shadow Mountain Reservoir. According to Petitioner, construction of the home was started in 2003 and completed in 2005. The home is a two-story chalet style design, of timber construction with exterior stone and stucco siding. It has 2,611 square feet above grade, including an approximately 600 square foot loft, and a 1,960 square foot finished walk-out basement. The property also includes a 476 square foot, two-car detached garage.

Respondent assigned a value of \$2,016,200.00 for tax year 2009. Petitioner requested a value of \$1,600,000.00.

Petitioner contended that Respondent ignored the detrimental effect of the pine beetle forest infestation on home values in the area. Mr. Parrington testified that Respondent used sales from 2006 and 2007, a peak economic period, and ignored sales that occurred in the last six months of the base period. Petitioner did not present comparable sales.

Petitioner testified that he offered to allow interior access, but Respondent declined. Petitioner testified that he did most of the design and construction work himself. Functional problems with the interior of the house include “no windows” on the front of the home, no closets, no guest bathroom on the main floor, and access to the master bedroom is through the master bathroom. Petitioner contends that the house does not have many of the upgrades expected by buyers of luxury homes in this area, and has been told by brokers that to sell the house he will have to reconfigure the interior and add upgrades or discount the price.

Ms. Katie A. Buss, witness for Respondent, completed an exterior inspection of the subject property and testified that she relied on the Multiple Listings Service and real estate broker web sites for interior photos of the subject property and some of the sales. She also relied on building plans for some information about the subject improvements. The witness testified that she received a letter from Petitioner’s broker offering interior access to the house, but determined it would not be necessary. Ms. Buss testified that she was not aware that the house does not have closets. It was her opinion that luxury homes this age and location typically are similar quality construction and have comparable finishes and amenities.

Ms. Buss presented four comparable sales ranging in price from \$1,833,000.00 to \$2,400,000.00 and in size from 1,666 to 2,736 square feet, excluding basement square footage. The sales were built between 2003 and 2005 and are located around the Shadow Mountain Reservoir. The witness testified that although additional sales occurred within the base period, they were not used because they were constructed in the 1970s and 1980s and are not considered comparable to the newer subject property. After adjustments, the sale prices ranged from \$1,760,650.00 to \$2,387,250.00. Sale 1, with an adjusted price of \$2,387,250.00, was given most weight because of its location within the subject’s subdivision. The least weight was given to Sale 3 because it occurred in December 2006, just prior to the base period. The witness concluded to a value for the subject property of \$2,052,000.00.

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

The Board noted that although Respondent’s sales occurred before 2008, a downward adjustment was made to each for declining market conditions from the date of sale to June 30, 2008, the effective date of value. The Board concluded that all properties in the vicinity would have had a similar impact from pine beetle tree damage with no evidence presented to support a downward adjustment. Petitioner testified that the premium lake view is at the rear of the house, and photos showed an ample number of large windows to take advantage of the views.

Ms. Buss chose not to inspect the interior of the subject property and testified that she had not been inside the four comparable sales. The witness concluded that the quality of construction, finishes, and amenities for each of the comparable sales were similar to the subject. The Board concluded that photographs are helpful, but do not replace the information about room layout, finishes, amenities, and potential functional issues that is obtained from an interior inspection. The exclusion of closets in the house and the lack of a guest bathroom on the main level are considered functional drawbacks for any home and are likely to affect the sale price. The Board concluded that the functional issues presented by Petitioner warrant consideration and insufficient evidence was provided by Respondent to support the conclusion that the interior finishes and amenities for the comparable sales are all similar to the subject property. The appraisal report presented by Ms. Buss stated that an adjustment of \$15,000.00 per garage stall was used, but the adjustment grid showed that the two comparable sales affected were adjusted down only \$10,000.00 for the additional garage space each has.

The Board relied on Respondent's Sales 2, 3, and 4 with an adjusted price range of \$1,755,650.00 to \$2,208,950.00, after correction of the garage adjustment. The Board concluded that the 2009 actual value of the subject property should be reduced to \$1,950,000.00.

ORDER:

Respondent is ordered to reduce the 2009 actual value of the subject property to \$1,950,000.00.

The Grand 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 12th day of August 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.

Heather Flannery
Heather Flannery

