

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>FREDERICK G. AND KATHY B. COLEMAN,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>ADAMS COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 51958</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on February 4, 2010, Debra A. Baumbach and Karen E. Hart presiding. Frederick G. Coleman appeared pro se on behalf of Petitioners. Respondent was represented by Jennifer M. Wascak, Esq. Petitioners are protesting the 2009 actual value of the subject property.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**3194 West 111<sup>th</sup> Place, Westminster, Colorado  
(Adams County Schedule No. R0110249)**

The subject property consists of a 2,910 square foot, two-story single family dwelling built in 1997 situated on a 13,051 square foot site.

The subject property is an Elite Homes, semi-custom constructed house with three bedrooms, three bathrooms, a full, unfinished basement and no upgrades. The siding is veneer, roof covering is asphalt shingles, floor covering is carpet, and there is forced air heat and central air. The kitchen has white cabinets, ceramic tile countertops with wood trim, and wood flooring. The bathrooms have vinyl floor coverings. The rear property line of the subject property backs half on the golf course and half on a park.

Petitioners believe the subject property's value has been overstated as Respondent's comparable sales have upgrades and better views of the golf course and mountains. Petitioners have

been inside Respondent's Sale 2. It has upgrades including granite slab countertops, wood floors, ceramic tile flooring in the bathrooms, wood cabinets, a finished basement, and no obscured view. Mr. Coleman testified that the subject property views are obscured by mature trees adjacent to their rear property line.

Based on the market approach, Petitioners presented an indicated value of \$495,000.00 for the subject property.

Petitioners presented five comparable sales ranging in sales price from \$400,000.00 to \$437,000.00 and in size from 2,736 to 3,076 square feet.

Mr. Coleman did not know if any of his sales were located on a golf course, he made no adjustments to the sales, and he has not been inside any of his comparables.

Petitioners are requesting a 2009 actual value of \$495,000.00 for the subject property.

Respondent presented an indicated value of \$556,280.00 for the subject property based on the market approach.

Respondent's witness, William Troy Mousel, Certified Residential Appraiser with the Adams County Assessor's Office, presented three comparable sales ranging in sales price from \$465,000.00 to \$598,500.00 and in size from 2,474 to 2,996 square feet. After adjustments were made, the sales ranged from \$540,330.00 to \$652,230.00.

The subject property is located in Legacy Ridge Filing 6. Legacy Ridge is a golf course community consisting of above average semi-custom homes built during the 1980s and 1990s. Mr. Mousel believes the subject property is one of the better lots of the subdivision as it sits on its own point; he characterized it as a premium lot. He believes there are mountain views at the subject property but admits he has not seen the view at the back deck, which Mr. Coleman testified was blocked by large trees.

Mr. Mousel testified that sale studies have indicated that a \$75,000.00 premium is appropriate for lots located on the golf course.

Regarding Petitioners' sales, Mr. Mousel testified that they are older than the subject, are interior lots with none located on the golf course, are less custom built than Elite Homes, and all but two are located in different filings than the subject. Mr. Mousel also had concerns regarding a lack of data about the comparables' terms of sale.

Respondent assigned an actual value of \$556,280.00 to the subject property for tax year 2009.

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

The Board examined the available data regarding Petitioners' sales. Sales 2 and 4 were corporate buyouts and there was insufficient evidence presented to determine whether these sales were market sales. The data indicated that Sale 4 was "Priced well below market for a quick sale." Sale 3 showed the owner as "Other" and indicated there were many custom upgrades. Only Sales 1 and 5 showed private ownership. None of the sales indicated they were the same builder as the subject property and none indicated that they were located on the golf course or park, although Sale 2 is across from the park. Respondent testified that none of Petitioners' sales were located on the golf course and that market data indicated an upward adjustment of \$75,000.00 was necessary to adjust for this amenity. Only Sales 4 and 5 were located in the same filing as the subject. Petitioners did not present the Board with a location map. Due to the general lack of financing and location data, and the lack of information as to whether the corporate buyout sales were arm's-length market transactions, the Board was unable to give Petitioners' comparable sales much weight.

Petitioners indicated that Respondent's Sale 2 had custom upgrades but no information was available for the Board to determine a market adjustment for the upgrades. The Board gave most reliance to Respondent's Sale 3 as it had the least number of adjustments. The adjusted sales price was \$562,250.00, higher than the assigned value of the subject property.

After careful consideration of all the evidence and testimony, the Board concurred with the 2009 actual value of the subject property at \$556,280.00.

### **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 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 8<sup>th</sup> day of April 2010.

**BOARD OF ASSESSMENT APPEALS**

Debra A. Baumbach  
Debra A. Baumbach

Karen E. Hart  
Karen E. Hart

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

Heather Flannery  
Heather Flannery

