

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>ROBERT K. & DEBRA J. ROHRIG,</p> <p>v.</p> <p>Respondent:</p> <p>ADAMS COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 52041</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on May 16, 2011 MaryKay Kelley and Debra A. Baumbach presiding. Mr. Robert K. Rohrig appeared pro se on behalf of Petitioners. Respondent was represented by Ms. Jennifer M. Wascak, Esq. Petitioners are protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**1655 Jasmine Street, Brighton, Colorado
Adams County Schedule No. R0160798**

The subject property is a 2,821 square foot ranch style residence built in 2006. The residence is located in the Eagle Shadow Subdivision in Brighton and is situated on a 67,823-square foot lot. There is a 2,821-square foot basement with 1,481 square feet of finished area. There are three bedrooms, three and a half bathrooms and a four and a half-car garage.

Petitioners are requesting an actual value of \$461,177.00 for the subject property for tax year 2009. Respondent assigned a value of \$541,992.00 for the subject property for tax year 2009.

Petitioners' witness, Mr. Robert K. Rohrig, testified that the subject property was purchased in August of 2006. The property sold at a higher purchase price than many other homes in the market area because it included a partially finished basement, landscaping and other upgrades.

Mr. Rohrig testified that his property taxes had increased in value while the market area was experiencing a sizeable number of foreclosures. Respondent's methodology did not include considering foreclosure properties in the valuation analysis.

Mr. Rohrig had an area Realtor search for comparable sales in the subject's subdivision and a nearby competing area for suitable sales. Petitioners presented three comparable sales ranging in sale price from \$440,000.00 to \$530,000.00 and in size from 2,677 to 3,214 square feet. No adjustments were made. Instead, Petitioners derived an average price per square foot by dividing the square footage into the sale prices for an indicated price per square foot of \$163.48.

Petitioners are requesting a 2009 actual value of \$461,177.00 for the subject property.

Respondent's witness, Mr. W. Troy Mousel, Certified Residential Appraiser, presented an indicated value of \$541,992.00 using the market approach. Respondent presented three comparable sales ranging in sales price from \$532,000.00 to \$599,000.00 and in size from 2,587 to 2,902 square feet. After adjustments, the sales ranged from \$524,360.00 to 571,727.00.

Mr. Mousel testified the comparable sales he selected are located in the subject's subdivision and considered the most similar in size, style, quality and market appeal and required minimal adjustments. After learning the subject has a partially finished basement, any adjustments made to the sales for differences in basement area and finish would indicate a higher concluded value.

Mr. Mousel testified there were a sufficient number of sales in the subdivision that were considered arm's-length market sales and any foreclosure sales in the area were eliminated from the analysis. Mr. Mousel briefly addressed Petitioner's sales, noting Sale 1 was in pre-foreclosure, Sale 2 was a two-story home and not suitable for comparison and Sale 3 sold in five days, and there was no information as to whether the sale was an arm's-length sale.

Respondent assigned an actual value of \$541,992.00 to the subject property for tax year 2009.

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

The Board gave minimal weight to Petitioners' methodology in deriving a value based on dividing the square footage into the selling price for a price per square foot. That method does not consider any differences affecting value ranges and is not appropriate appraisal practice. Because the Board was unsure if it was an arm's-length sale and should be considered in the valuation, Petitioners' Sale 3 was given minimal consideration, and Respondent's adjustments were applied to it.

The Board notes Petitioners' concern regarding foreclosure activity in the area but was not convinced it dominated the market place. Sufficient data was presented by both parties to persuade the Board that arm's length transactions were a valid method of determining value. The Board gave most weight to Respondent's sales and adjustment calculations. Adjustments were made for all differences in physical characteristics. Further, if Respondent had made further adjustments, taking

into account the subject's finished basement area, the indicated value range would have been much higher.

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 3 day of June 2011.

BOARD OF ASSESSMENT APPEALS

MaryKay Kelley
MaryKay Kelley

Debra A. Baumbach
Debra A. Baumbach

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

Amy Bruins
Amy Bruins

