

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>PENN G. RAND,</p> <p>v.</p> <p>Respondent:</p> <p>ARAPAHOE COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 52526</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on August 2, 2010, Sondra W. Mercier and Louesa Maricle presiding. Petitioner was represented by Mills H. Ford. Respondent was represented by George Rosenberg, Esq. Petitioner is protesting the 2009 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**10 Meadow Lane, Englewood, Colorado
(Arapahoe County Schedule No. 2077-01-4-02-004)**

The subject property is a single family residence located on a 2.67-acre site in an area of upscale homes developed beginning in the 1950s in the city of Cherry Hills Village. The residence is a two-story colonial design with Masonite siding. The original residence was built in 1952, with a 3,015 square foot 2-story addition built in 1992. According to Respondent's information, the residence has 5,381 square feet of living area above grade, and a 1,808 square foot basement including 904 finished square feet. The property also includes a 440 square foot, two-car detached garage.

Petitioner presented a value for the subject property of \$2,150,000.00 based on the market approach.

Petitioner contends that Respondent's adjustment for changing market conditions (time) does not accurately reflect the drop in values during the base period. Petitioner further contends that Respondent's analysis does not adequately reflect the age and condition of the subject property or its below average amenities relative to other homes in Cherry Hills Village.

Petitioner's agent, Mills H. Ford, who is also a Certified General Appraiser, presented five comparable sales ranging in price from \$1,311,000.00 to \$2,872,500.00 and in size from 4,239 to 7,331 square feet. Mr. Ford testified that he applied a 15.6% downward time adjustment based on multi-list sales statistics for the South Suburban East area between June 30, 2007 and June 30, 2008. Mr. Ford's percentage adjustment represents the drop in average sale price during that time. For the time adjustment, he also considered statistics for the total monthly sales volume dollar value, the average number of days on the market, and the percentage of the price paid to the listing price over the same 12-month period.

The witness also made adjustments to the comparable sales for differences in land area, quality of construction, age, condition, room count, living area, finished and unfinished basement area, functional utility, heating and cooling systems, energy efficient items, garages, porches, balconies, patios, terraces, decks, number of fireplaces, and for walk-out basements. The adjusted sale prices ranged from \$1,735,209.00 to \$2,397,549.00 and Mr. Ford concluded to a value of \$2,150,000.00.

Based on the market approach, Respondent presented an indicated value of \$2,500,000.00 for the subject property.

Respondent's witness, Merry L. Fix, a Certified Residential Appraiser with the Arapahoe County Assessor's Office, presented three comparable sales ranging in price from \$2,145,000.00 to \$2,777,100.00 after deductions for personal property. The sales ranged in size from 3,538 to 5,914 square feet. The witness's analysis of changing market conditions indicated that a downward time adjustment of 0.0006% per month (0.72% per year) was required. Adjustments were made for site size, exterior wall type, quality grade, age, living area, bathroom count, finished and unfinished basement area, number of fireplaces, air conditioning, covered patio, deck and terrace area, swimming pool, garage size and type, and residential barns. After adjustments, the sales ranged from \$2,294,729.00 to \$2,611,953.00. The witness testified that most weight was given to Sale 1, which had an adjusted value of \$2,611,953.00 and Ms. Fix concluded to a value of \$2,500,000.00.

Respondent assigned an actual value of \$2,631,500.00 to the subject property for tax year 2009 but is recommending a reduction in value to \$2,500,000.00.

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

Petitioner and Respondent have used different comparable sales in their respective analyses of value. Some of Petitioner's sales are located farther from the subject and include four sales on sites of 1.0 acre or less, requiring substantial adjustments for that one characteristic alone. Regarding the adjustment for changing market conditions, the Board concludes that Petitioner's

downward time adjustment based on an average sale price over a 12-month period from multi-list statistics is inadequate support and is inconsistent with ad valorem methodology guidelines.

Petitioner did not present sufficient probative evidence and testimony to prove that the subject property should be reduced further than Respondent's recommended value.

ORDER:

Respondent is ordered to reduce the 2009 actual value of the subject property to \$2,500,000.00.

The Arapahoe County Assessor is directed to change his 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 24 day of September 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.

Amy Bruins

Amy Bruins

