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| <p><b>BOARD OF ASSESSMENT APPEALS,<br/>STATE OF COLORADO</b><br/>1313 Sherman Street, Room 315<br/>Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>OHMART FAMILY REVOCABLE TRUST,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>DENVER COUNTY BOARD OF EQUALIZATION.</b></p> | <p><b>Docket No.: 53124</b></p> |
| <p><b>ORDER</b></p>   |                                 |

**THIS MATTER** was heard by the Board of Assessment Appeals on March 1, 2011, Debra A. Baumbach and MaryKay Kelley presiding. Petitioner was represented by Walter A. Ohmart, Jr., Trustee. Respondent was represented by David V. Cooke, Esq. Petitioner is protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**6700 W. Dorado Drive, Unit 54, Denver, Colorado  
Denver County Schedule No. 09145-05-032-000**

The subject property is a 1,966 square foot residence with basement and garage. It was built in 1998 on a 7,047 square foot lot in the gated Dorado Greens subdivision of Grant Ranch.

Petitioners are requesting an actual value of \$430,867.00 for the subject property for tax year 2009. Respondent assigned a value of \$547,700.00.

Mr. Walter Ohmart and Mr. Wayne Fowler, witness for Petitioner, presented three base period comparable sales ranging in sale price from \$325,000.00 to \$390,000.00 and in size from 1,923 to 2,020 square feet. Mr. Fowler made time adjustments to the base period sales. No other adjustments were made. Mr. Ohmart concluded to a value of \$430,867.00 based on the average of gross sales prices for Units 6, 50, and 39.

Respondent presented a value of \$570,000.00 for the subject property based on the market approach. Respondent’s witness, Richard Armstrong, Certified Residential Appraiser, presented

three comparable sales, all the same size and floor plan as the subject, ranging in sale price from \$580,000.00 to \$592,625.00. After adjustments were made, the sales ranged from \$562,400.00 to \$572,710.00.

Mr. Armstrong declined to use Petitioner's three base period sales as comparables. All were purchased by Emerald Homes or related entities for structural mitigation (building permits referenced) and were subsequently remodeled.

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

The Board is convinced that Petitioner's sales had structural problems and were purchased for mitigation and resale. Respondent's sales were more appropriate because they were arm's length transactions of base period sales similar in design and appeal and with few adjustments.

### **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 / 0 day of March 2011.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach  
Debra A. Baumbach

Mary Kay Kelley

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

Amy L. Bruins  
Amy Bruins

