

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**

1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 53269

Petitioner:

WELDON R. AND DONNA J. SOUTHERN TRUST,

v.

Respondent:

BOULDER COUNTY BOARD OF EQUALIZATION.

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on September 20, 2010, Debra A. Baumbach and MaryKay Kelley presiding. Weldon R. and Donna J. Southern appeared on behalf of the trust. Respondent was represented by Michael A. Koertje, Esq. Petitioner is protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**8044 Pebble Road, Niwot, Colorado
Boulder County Schedule No. R0056950**

The subject is a 1,811 square foot house with basement and garage built in 1969. Included in the square footage is a 1994 family room addition. It sits on a 30,295 square foot site in the Meadowdale subdivision. Square footage, disputed by Petitioner, was confirmed by Respondent's witness following inspection and exterior measurement by himself and Mr. Southern.

Respondent assigned an actual value of \$464,800.00 for tax year 2009. Petitioner is requesting a value of \$390,000.00.

Mr. and Mrs. Southern described their subdivision streets as potholed and requiring paving. Also, new construction across the street is incomplete and unsightly. These issues impact marketability and value.

Mr. Southern presented five comparable sales ranging in sales price from \$365,000.00 to \$385,000.00 and in size from 1,736 to 2,600 square feet. No adjustments were made to the sales,

nor was there a conclusion to value. Mr. Southern provided no basis for the requested value of \$390,000.00.

Respondent presented an indicated value of \$510,000.00 for the subject property based on the market approach. The witness presented three comparable sales ranging in sales price from \$460,000.00 to \$522,500.00 and in size from 1,278 to 2,153 square feet. After adjustments were made, the sales ranged from \$474,712.00 to \$513,887.00. Sales 1 and 2, located in the subject subdivision, were given most weight.

Respondent's witness discussed Petitioner's comparable sales: Sales 1, 2, 3 and 5 were located on smaller lots in production-built subdivisions appealing to different buyers; Sale 4, though slightly more comparable, was also located in an area appealing to a different buyer.

Respondent's witness testified that all sales in Meadowdale experienced the same neighborhood influences as the subject and that their sales prices reflected this. The Board agrees.

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

Respondent's Sales 1 and 2 are considered most like the subject, similar in age and located in the subject subdivision. On adjusting Petitioner's comparable sales, the Board concluded to a lower range, which reflects Respondent's comments about their locations within production-built subdivisions and on smaller lots appealing to different buyers. The Board is convinced by Respondent's analysis of Petitioner's comparable sales and gave them little weight.

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 1 day of October 2010.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach

Debra A. Baumbach

MaryKay Kelley

MaryKay Kelley

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

Amy Bruins

Amy Bruins

