

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

1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 53273

Petitioner:

LEON SCHEGLOV LIVING TRUST,

v.

Respondent:

DOUGLAS COUNTY BOARD OF EQUALIZATION.

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on December 16, 2010, Louisa Maricle and Diane M. DeVries presiding. Petitioner was represented by Leon Scheglov and Laurie Armstrong. Respondent was represented by Robert Clark, Esq. Petitioner is protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**6815 Halifax Avenue, Castle Rock, Colorado
Douglas County Schedule No. R0443694**

The subject property is a two-story residence with 2,128 square feet above grade, a 728-square foot unfinished basement, and a 441-square foot attached garage. The subject property was built in 2004 and is of average quality and good condition. There are four bedrooms, three baths, and one fireplace. The subject is located in Castlewood Ranch subdivision across the street from an elementary school and is a corner lot.

Petitioner is requesting an actual value of \$261,527.00 for the subject property for tax year 2009. Respondent assigned a value of \$276,524.00 for the subject property for tax year 2009 but is recommending a reduction to \$275,000.00.

Petitioner, Leon Scheglov, had Ms. Laurie Armstrong speak on his behalf since he had lost his voice. She read an opening statement and then asked that the Respondent put on its case since they wanted to speak to the comparable sales used by the Respondent.

Petitioner is requesting a 2009 actual value of \$261,527.00 for the subject property.

Respondent presented a value of \$275,000.00 for the subject property based on the market approach.

Respondent presented five comparable sales ranging in time adjusted sale price from \$252,301.00 to \$303,129.00 and in size from 2,047 to 2,313 square feet. After adjustments were made, the sales ranged from \$236,246.00 to \$282,631.00.

Respondent's witness, Duane J. Meyer, Certified Residential Appraiser for the Douglas County Assessor's Office, testified that he made adjustments for view, including the location of the subject being across the street from an elementary school, age, above grade square footage, and basement square footage. Three of the comparable sales used by the Respondent were new home sales rather than re-sales.

Respondent's witness reviewed Petitioner's Exhibit 1, which is a list of comparable sales within the Castlewood Ranch Subdivision. Other than the list's first five sales, which Respondent used for comparable sales, Mr. Meyer took issue with the 13 remaining sales in Petitioner's Exhibit 1. Mr. Meyer refined his search to derive the best comparable sales that were most similar to that of the subject property.

Respondent assigned an actual value of \$276,524.00 to the subject property for tax year 2009. Respondent recommended, based on the market approach, to reduce the actual value of the subject property to \$275,000.00.

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

After careful review of all of the documentation submitted by both parties, the Board determined that the adjustment for location of the subject property to the elementary school is inadequate. Therefore, the Board applied an additional adjustment of \$10,000.00 and accepted the recommendation of the Respondent.

The Board concluded that the 2009 actual value of the subject property should be reduced to \$265,000.00.

ORDER:

Respondent is ordered to reduce the 2009 actual value of the subject property to \$265,000.00

The Douglas County Assessor is directed to change his/her 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.

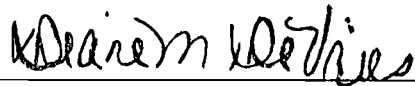
Section 39-8-108(2), C.R.S.

DATED and MAILED this 7 day of January 2011.

BOARD OF ASSESSMENT APPEALS

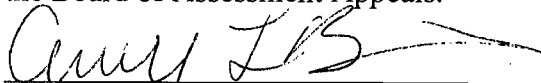


Louisa Maricle



Diane M. DeVries

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


Amy Bruins