

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>SAEED S. ABOUSAEEDI,</p> <p>v.</p> <p>Respondent:</p> <p>DOUGLAS COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 53484</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on June 1, 2011, Debra A. Baumbach and Lyle D. Hansen presiding. Mr. Saeed S. Abousaeedi appeared pro se. Respondent was represented by Robert D. Clark, Esq. Petitioner is protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**2324 Meadows Lane, Castle Rock, Colorado
Douglas County Schedule No. R0334014**

The subject property consists of a wood and brick two-story single-family residence built in 1985. The residence contains a total of 1,499 square feet of gross living area; an 857-square foot basement of which 751 square feet are finished. The property has three bedrooms, two baths, central air-conditioning, one fireplace, a front porch, a rear wood deck and a two-car garage. The residence is situated on a 0.25-acre lot.

Petitioner is requesting an actual value of \$222,050.00 for the subject property for tax year 2009. Respondent assigned a value of \$260,357.00 for the subject property for tax year 2009.

Petitioner, Mr. Saeed S. Abousaeedi, presented five comparable sales ranging in sale price from \$219,900.00 to \$258,000.00 and in size from 1,584 to 2,078 square feet. No adjustments were made.

Petitioner testified that the property had been listed for sale at \$238,900.00 for a few months in 2008 when foreclosure resulted for lack of buyer interest. The U.S. Department for Housing and Urban Development (HUD) then listed the property for sale in May and June of 2008 for \$237,000.00. The property became available to investors after the bidding period had ceased. Mr. Abousaedi testified that he purchased the property from HUD at \$222,050.00. Mr. Abousaedi concluded his value of the property based upon this purchase price. Mr. Abousaedi testified that he selected five comparable sales that had more bedrooms and bedrooms, larger total square footage, walkout basements, formal dining rooms, hardwood floors, larger garages, central air-conditioning; the comparable sales were also newer in year of construction. He testified that these five properties, with more physical attributes than the subject, sold in the range of \$219,900.00 to \$258,000.00. He testified that his property could not be valued over the accepted contract price of \$222,050.00.

Petitioner is requesting a 2009 actual value of \$222,050.00 for the subject property.

Respondent presented a value of \$280,000.00 for the subject property based on the market approach.

Respondent's appraiser, Mr. Duane J. Meyer, presented four comparable sales ranging in sale price from \$312,600.00 to \$333,000.00 and in size from 1,504 to 1,611 square feet. After adjustments were made, the sales ranged from \$276,773.00 to \$303,941.00.

Respondent assigned an actual value of \$260,357.00 to the subject property for tax year 2009.

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

Pursuant to the following excerpt from the Assessor's Reference Library (ARL), the Board gave very little weight to sale of the subject property because it was a non-arm's length sale:

Since values can be distorted by inclusion of any non-arm's-length sales in the appraisal process, these sales should generally not be used for market analysis and should never be used in either statistical analysis or to set values. Therefore, these sales should be disqualified during the sales confirmation process. *ARL*, Vol. 3, pg. 3.7.

Mr. Meyer testified that Petitioner's five comparable sales were not located in the immediate vicinity of the subject. He presented a map showing the location of Petitioner's sales that indicated they were located in different neighborhoods and under different homeowner associations. Petitioner's Comparable Sales 1 through 4 were constructed between 1994 and 2000; Petitioner did not list Comparable Sale 5's year of construction. By contrast, Respondent's comparable sales were constructed between 1985 and 1988, which is much closer to the subject's year of construction, 1985.

The Board placed greater reliability upon Respondent's value estimate. The four comparable sales were located in the same residential subdivision as, and in close proximity to, the subject. The

Board agreed with the appraiser's adjustment analysis to the four comparable sales. Mr. Meyer concluded the final value estimate in the lower portion of his adjusted sale price range to reflect the lack of updating to the improvements.

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 10 day of June 2011.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach

Debra A. Baumbach

Lyle D. Hansen

Lyle D. Hansen

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

Amy Bruins

Amy Bruins

