

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>KIRK AND SUSAN TROST,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>DOUGLAS COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 53495</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on April 26, 2011, Sondra W. Mercier and Lyle D. Hansen presiding. Petitioners were represented by Ms. Susan Trost, appearing pro se on behalf of Petitioners. Respondent was represented by Robert D. Clark, Esq. Petitioners are protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**531 Sapphire Drive, Castle Rock, Colorado  
Douglas County Schedule No. R0405820**

The subject property consists of a two-story brick and stucco single-family residence built in 2000 and containing a total of 3,207 square feet of gross living area above grade and a 1,723-square foot basement of which 1,533 square feet are finished. The property has a total of four bedrooms, five bathrooms, three fireplaces, central air-conditioning and a 1,047-square foot attached garage. The residence is situated on a 1.45-acre lot.

Petitioners requested an actual value on the petition of \$600,000.00 but are requesting an actual value of \$620,000.00 for the subject property for tax year 2009. Respondent assigned a value of \$696,629.00 for the subject property for tax year 2009.

Petitioner, Ms. Susan Trost, presented two comparable sales ranging in sale price from \$665,000.00 to \$681,000.00 with a sale price per square foot range of \$188.00 to \$193.00. Ms. Trost initially presented three comparable sales but eliminated one sale because of the larger gross living area and no basement finish.

Ms. Trost testified that her property is a semi-custom quality residence in a neighborhood of mostly custom quality residences and that other properties in the neighborhood have superior views. She testified that her property has tile countertops in the kitchen where other residences have granite countertops. She testified that one of her comparable sales has a walk-out basement and that her property has no walk-out basement. Further, another comparable sale had a finished basement where her property has a partially finished basement. Ms. Trost testified that the semi-custom quality of her residence, when compared to the other custom quality residences in the neighborhood, would result in a value in the lower \$600,000.00 area.

Ms. Trost presented an equalization argument by comparing the assessed values from four neighborhood residences to her property. Ms. Trost concluded a price per square foot of \$180.00 or a total of \$573,840.00 for her property based upon those four properties.

Petitioner is requesting a 2009 actual value of \$620,000.00 for the subject property.

Respondent presented a value of \$745,000.00 for the subject property based on the market approach.

Respondent's appraiser, Mr. Christopher Morley, presented six comparable sales ranging in sale price from \$665,000.00 to \$878,000.00 and in size from 3,126 to 3,707 square feet. After adjustments were made, the sales ranged from \$622,436.00 to \$863,099.00.

Mr. Morley eliminated his Comparable Sale 2 because the sale was not representative of the market. He testified that the sale was included in his analysis because it is located next door to the subject. Mr. Morley placed minimal weight on his Comparable Sale 3 because it was a seller-motivated relocation sale. Mr. Morley did not accomplish an adjustment for the differences between the subject's semi-custom quality of construction and the custom quality construction of his comparable sales. He testified that his Comparable Sales 1, 3, 4, 5 and 6 were custom quality residences. The adjusted sale price range for those five sales was \$719,088.00 to \$863,099.00. Mr. Morley testified that he concluded his value of \$745,000.00 in the lower portion of the adjusted sale price range to account for the differences in semi-custom and custom quality of construction between the subject and the comparable sales.

Respondent assigned an actual value of \$696,629.00 to the subject property for tax year 2009.

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

The Board placed greater reliability upon Respondent's value estimate. The six comparable sales were located in the same residential subdivision as the subject and in close proximity to the subject. The Board agreed with the appraiser's adjustment analysis for the six comparable sales but concluded that an additional adjustment for differences in semi-custom quality construction for the subject, when compared to the custom quality construction of the comparable sales, should have been included in his adjustment analysis. Mr. Morley concluded the final value estimate in the

lower portion of his adjusted sale price range. The Board concluded that an additional downward adjustment for differences in construction quality should be included. The Board concluded that the assigned value at \$696,629.00 properly reflects that adjustment.

The Board can consider an equalization argument if evidence or testimony is presented that shows the Board that the assigned values of the equalization comparables were derived by application of the three approaches to value, as applicable, and that each comparable was correctly valued. *Arapahoe County Bd. of Equalization v. Podoll*, 935 P.2d 14 (Colo. 1997). Since that evidence and testimony was not presented, the Board gave little weight to the equalization argument presented by the Petitioner.

### **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 27 day of May 2011.

**BOARD OF ASSESSMENT APPEALS**

*Sondra W. Mercier*

Sondra W. Mercier

*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 Brufas*

Amy Brufas

