

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>JULIE BROWN & SHANNON CRIST,</p> <p>v.</p> <p>Respondent:</p> <p>DOUGLAS COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 53543</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on April 28, 2011 Diane DeVries and Debra A. Baumbach presiding. Ms. Julie Brown appeared pro se on behalf of Petitioners. Respondent was represented by Mr. Robert D. Clark, Esq. Petitioners are protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**12791 Woodland Trail, Parker, Colorado
Douglas County Schedule No. R0096743**

The subject property is a 3,930-square foot ranch style residence built in 1972. The residence is located in the Ponderosa Hills Subdivision in Parker and is situated on a 2.789 acre lot. There is a 411-square foot finished walk out basement area, large crawl space and a 1,068-square foot attached garage.

Petitioners are requesting an actual value of \$388,879.00 for the subject property for tax year 2009. Respondent assigned a value of \$590,000.00 for the subject property for tax year 2009 but is recommending a reduction to \$500,000.00.

Petitioners' witness, Ms. Julie Brown, testified that she purchased the subject property at a foreclosure sale in 2007 for \$475,000.00. The property was purchased in "as is" condition with numerous deficiencies and areas of construction left incomplete at the time of sale. She believes the purchase was compromised because of dual agency representation in the transaction. Also, an

appraisal was done at the request of the mortgage holder but the appraiser was not given a copy of the inspection report nor did he disclose any deficiencies in the property.

Ms. Brown testified a home inspection report, outlining all the deficiencies, was completed on March 23, 2007, prior to the closing of the sale on April 9, 2007. Ms. Brown presented cost estimates from contractors for repair and replacement costs in the amount of \$98,787.00. Ms. Brown contends the heating system and kitchen appliances were not functional along with numerous other items that needed repair or replacement.

Ms. Brown contends Respondent utilized superior sales to value the subject property and did not adjust the sales adequately for the deficiencies because Respondent only allowed a \$50,000.00 adjustment even though cost estimates were provided in the amount of \$98,787.00.

Ms. Brown presented two comparable sales ranging in sale price from \$450,000.00 to \$470,000.00 and in size from 3,584 to 3,600 square feet. After adjustments the sales ranged from \$397,615.00 to \$466,170.00. During the hearing, Ms. Brown offered an additional sale located several blocks from the subject property and also used by Respondent. This sale is located at 12540 Pine Cone Road and sold for \$630,488.00. Ms. Brown testified the comparable sales she selected are more similar in condition, location and reflect market conditions.

Ms. Brown correlated her first two comparable sales to a value of \$430,722.00 and then deducted \$98,787.00 cost to cure. After considering the additional sale, Ms. Brown correlated to an indicated value of \$388,879.00 for the subject property.

Petitioners are requesting a 2009 actual value of \$388,879.00 for the subject property.

Respondent assigned a value of \$584,000.00 for the subject property. Respondent attempted to inspect the subject property but was denied access. Based on an exterior inspection full adjustments were allowed for the heating system, siding, stucco, windows and doors. The other items were discounted based conversations with contractors.

Respondent's witness, Mr. Thomas L. Brown, Certified Residential Appraiser, presented an indicated value of \$500,000.00 using the market approach. Respondent presented three comparable sales ranging in sale price from \$524,500.00 to \$730,000.00 and in size from 3,812 to 4,210 square feet. After adjustments the sales ranged from \$599,205.00 to \$676,956.00. Mr. Brown looked for sales that were the most similar in size, style, quality and market appeal. All of the comparable sales used are located within the same market area.

Respondent assigned an actual value of \$584,000.00 to the subject property for tax year 2009 but is recommending a reduction to \$500,000.00.

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

The Board was presented with conflicting testimony and evidence regarding the condition of the property. As a result, the Board ordered a full inspection of the subject property, which occurred

on May 4, 2011. Respondent was only granted partial access by Petitioners. Respondent submitted an inspection report along with photos outlining the subject property's deficiencies.

Based on Respondent's inspection report, Respondent's previous cost to cure adjustment of \$50,000.00 was higher than it needed to be. After inspection of the deficiencies, Respondent indicated an adjustment of \$35,000.00. The report noted that the heating system was repaired and the water heater replaced prior to January 1, 2009. The roof appeared to have no issues and a 50% adjustment was allowed for the siding and stucco. The full allowance of \$7,900 was given for the windows and doors. There was no evidence provided that permits were pulled for any remodeling. As reported in both appraisal reports provided by Petitioners, the kitchen and bathrooms were remodeled in 2007 and 2008.

The Board agrees that the subject property has deficiencies and an adjustment is warranted. However, the Board finds Petitioner's cost to cure adjustment excessive and unsupported by the evidence presented. The Board gives minimal weight to Petitioner's comparable sales as they are the least similar to the subject property.

The Board finds Respondent's comparable sales are the most similar and appropriate adjustments were made for all differences. The Board concludes Respondent's cost to cure adjustment of \$50,000.00 is very generous and adequately takes into account any other factors affecting the subject property.

The Board concluded that the 2009 actual value of the subject property should be reduced to Respondent's recommended value of \$500,000.00.

ORDER:

Respondent is ordered to reduce the 2009 actual value of the subject property to \$500,000.00

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 3 day of June 2011.

BOARD OF ASSESSMENT APPEALS

Diane M. DeVries

Diane M. DeVries

Debra A. Baumbach

Debra A. Baumbach

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

Amy Bruins
Amy Bruins

