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| <p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>H. DUARD CANNON & BARBARA M. CANNON,</p> <p>v.</p> <p>Respondent:</p> <p>DOUGLAS COUNTY BOARD OF EQUALIZATION.</p> | <p>Docket No.: 53549</p> |
| <p>ORDER</p> | |

THIS MATTER was heard by the Board of Assessment Appeals on November 16, 2010, Diane M. DeVries and Sondra W. Mercier presiding. Petitioner, Barbara M. Cannon, appeared pro se for 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:

**10771 Perry Park Road, Larkspur, Colorado
Douglas County Schedule No. R0244620**

The subject property consists of a single family residence of 1,460 square feet that was completed in 1982. Fencing at the property lines belongs to the neighboring properties.

Petitioners are requesting an actual value of \$282,000.00 for the subject property for tax year 2009. Respondent assigned a value of \$343,323.00 for the subject property for tax year 2009.

Petitioners presented two comparable sales ranging in sales price from \$285,000.00 to \$298,500.00 and in size from 1,730 to 2,067 square feet. Petitioners made no adjustment to the comparable sales.

Petitioner, Barbara M. Cannon, testified that the most comparable properties are located in the Woodmoor Mountain subdivision at 2239 Badger Drive, which sold for \$285,000.00 and at 13390 N. Firedog Way, which sold for \$298,500.00. Ms. Cannon relied on the two sales in the Woodmoor Mountain subdivision because she finds that subdivision to have the same access issues

as the subject. Ms. Cannon had not inspected the Woodmoor Mountain sales as the community is gated. Ms. Cannon testified that the homes used by Respondent in Valley Park are located on county maintained roads, and are horse properties with barns.

Petitioners calculated the value of the subject based on the Assessor's actual value for tax years 2007-2008 with a deduction of 6% to conclude to a value of \$282,000.00. Petitioner, Mr. H. Duard Cannon, testified that adjacent properties had received downward adjustments totaling 6% between the 2007 and 2009 base years.

Petitioners are requesting a 2009 actual value of \$282,000.00 for the subject property.

Respondent presented a value of \$360,000.00 for the subject property based on the market approach.

Respondent's witness, Mr. Jerry D. McLeland of the Douglas County Assessor's Office, presented three comparable sales ranging in sale price from \$325,000.00 to \$490,000.00 and in size from 908 to 1,732 square feet. After adjustments were made, the sales ranged from \$348,345.00 to \$490,105.00.

Respondent contends that Petitioners' sales may be comparable for size; however, they were inferior for access, compared to the subject, and were located four to five miles away from the subject. Mr. McLeland testified that he had considered several sales of homes located within the subject's immediate neighborhood; however, they were identified as bi-level and two story homes, which he did not believe were comparable to the subject. Mr. McLeland testified that a portion of the increase in the value assigned to the subject was the result of corrections to the subject's property information, including factoring in the walk-out basement and detached garage.

Respondent assigned an actual value of \$343,323.00 to the subject property for tax year 2009.

The Board was convinced that Petitioners' sales were most comparable for size and quality of construction; however, they would require a moderate upward adjustment for their inferior location. The Board was also convinced that Respondent's sales were similar for size and age; however, they were found to be slightly superior for design and location on county maintained roads, requiring a slight downward adjustment. Combining Petitioners' and Respondent's sales, the five sales indicate an average value for the subject of \$356,490.00, above the value assigned to the subject for tax year 2009.

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

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).

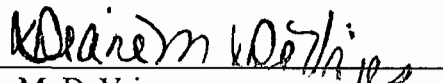
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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.

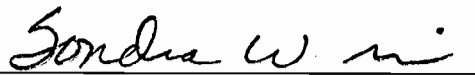
Section 39-8-108(2), C.R.S.

DATED and MAILED this 13 day of December 2010.

BOARD OF ASSESSMENT APPEALS




Diane M. DeVries



Sondra W. Mercier

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



Amy Bruins

