

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>JUDITH A. KLOTZ,</p> <p>v.</p> <p>Respondent:</p> <p>DOUGLAS COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 53553</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on June 30, 2011, Gregg Near and James R. Meurer presiding. Merlin Klotz appeared on behalf of Petitioner, Judith A. Klotz. 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:

**11864 High Desert Road, Parker, Colorado
Douglas County Schedule No. R0435499**

The subject property is a 2,085-square foot single family detached residence located in the Bradbury Ranch subdivision of Parker, Colorado. The house contains three bedrooms and three baths above grade, is the two-story Continental model, and was constructed in 2006. There is a 1,243-square foot unfinished basement and a two-car attached garage. Lot size is approximately 0.124 acres. The house is reported to be in good condition.

Petitioner is requesting an actual value of \$281,491.00 for the subject property for tax year 2009. Respondent assigned a value of \$308,000.00 but is recommending a reduction to the appraised value of \$300,000.00.

Petitioner argued that the best indication of the value for the property was the sale of the subject in April of 2007 for \$296,000.00, a price that was adjusted for market conditions. Petitioner further argued that the use of the four comparables in addition to the sale of the subject in

Respondent's market approach was unnecessary and resulted in an unsupportable and misleading market value for the subject.

Respondent presented a value of \$300,000.00 for the subject property based on the market approach. Respondent's witness, Rebecca Dockery, a Registered Residential Appraiser, presented five comparable sales, including the sale of the subject, ranging in sale price from \$296,000.00 to \$310,000.00, all of which were located in Bradbury Ranch. The major adjustments to the comparables by Respondent's witness consisted of market conditions, age, living area square footage, basement, basement finish, and central air. After adjustments were made, the sales ranged from \$291,756.00 to \$312,769.00 with a reconciled value of \$300,000.00 for the subject.

Colorado case law requires that "[Petitioner] must prove that the assessor's valuation is incorrect by a preponderance of the evidence. . ." *Bd. of Assessment Appeals v. Sampson*, 105 P.3d 198, 204 (Colo. 2005). After careful consideration of the testimony and exhibits presented in the hearing, the Board concludes that the comparable sales used in Respondent's market approach and the explanation and adjustments to those sales are reasonable and therefore most accurately reflect the market value for the subject. The five comparables used by Respondent all sold within the base period, were all very similar to the subject, were located in the same subdivision, and reflected supportable and logical adjustments.

Relative to Petitioner's reference to the assessment of other properties in the neighborhood, 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 afforded minimal weight to the equalization argument presented by the Petitioner.

Respondent presented sufficient probative evidence and testimony to show that the subject property should be reduced to Respondent's recommended value for tax year 2009 or \$300,000.00. The Board agrees with Respondent's presented market approach and adjustments. Petitioner provided inadequate support for further adjustment.

ORDER:

Respondent is ordered to reduce the 2009 actual value of the subject property to \$300,000.00.

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).

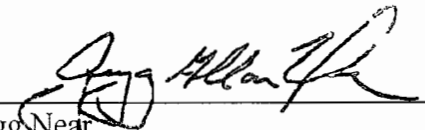
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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 July 2011.

BOARD OF ASSESSMENT APPEALS

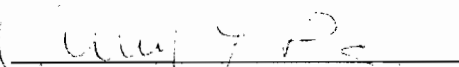


Gregg Near



James R. Meurer

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



Amy Bruins

