

<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>KAREN K. HUMPHREY,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>DOUGLAS COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 53570</b></p>
<p><b>ORDER</b></p>	

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

Subject property is described as follows:

**7515 Pine Ridge Trail, Castle Rock, Colorado  
Douglas County Schedule No. R0442172**

The subject property consists of a frame and stone one-story single-family condominium residence built in 2003. The residence contains a total of 1,496 square feet of gross living area; a 1,472-square foot basement of which 1,080 square feet are finished. The residence has two bedrooms, two bathrooms, one fireplace, rear patio and a two-car attached garage.

Petitioner requested an actual value of \$300,875.00 for the subject property for tax year 2009 but changed her actual value to \$330,000.00 at the hearing. Respondent assigned a value of \$385,000.00 for the subject property for tax year 2009 but is recommending a reduction to \$365,000.00.

Petitioner presented 19 comparable sales ranging in sale price from \$215,000.00 to \$435,000.00 and in size from 1,466 to 1,900 square feet. No adjustments were accomplished to the comparable sales. The sale dates of the 19 sales ranged from July 23, 2003 to March 25, 2008, which is greater than the 18-month data-gathering base year, as prescribed in Section 39-1-

104(10.2)(d), C.R.S. There were five sales that occurred in the 18-month base period of January 1, 2007 to June 30, 2008, ranging in sale price from \$269,000.00 to \$368,500.00 and in size from 1,642 to 1,900 square feet. No adjustments were accomplished to these comparable sales.

Petitioner, Ms. Karen Humphrey, testified that her neighborhood consists of 100 residences made up of single-family residential units, duplex homes and four-plex homes. She testified that the application of a multiple regression analysis by the Douglas County Assessor skews the results for her property because of the diversity of residential property characteristics in the neighborhood. Ms. Humphrey testified that properties located in the Pine Ridge Subdivision have two distinguished view amenities. Some properties back up to Castle Pines Parkway and some properties have views of a ridge of open space. Her property is located with a view of open space. However, Ms. Humphrey testified that she has a restricted view from her rear patio of the bottom of the hill. She disagrees with the appraiser from the Douglas County Assessor's Office, who accomplished an upward adjustment to three of the comparable sales for an inferior view amenity when her property does not enjoy the superior view that other sales have. She testified that she has the smallest floor plan in the subdivision and that her residence does not have a walkout basement.

Petitioner is requesting a 2009 actual value of \$330,000.00 for the subject property.

Respondent presented a value of \$365,000.00 for the subject property based on the market approach.

Respondent, appraiser, Ms. Beth Wilcox, presented six comparable sales ranging in sale price from \$269,000.00 to \$435,000.00 and in size from 1,496 to 2,135 square feet. After adjustments were made, the sales ranged from \$353,604.00 to \$448,268.00. Of the six comparable sales, three were within the 18-month base period. Those sales ranged in sale price from \$269,000.00 to \$368,500.00 and in size from 1,662 to 1,804 square feet. After adjustments were made, the sales ranged from \$353,604.00 to \$448,268.00.

Ms. Wilcox testified that her comparable sales one, two and three had comparable open space view amenities to the subject and her comparable sales four, five and six had views of Castle Pines Parkway. The Board gave no consideration to Comparable Sales 1, 2 and 3 because these sales occurred outside of the data study period. Ms. Wilcox completed a paired sales analysis to extract an adjustment of \$80,000.00 for the superior view amenity and applied this positive adjustment to Comparable Sales 4, 5 and 6.

Respondent assigned an actual value of \$385,000.00 to the subject property for tax year 2009 but is recommending a reduction to \$365,000.00.

Sufficient probative evidence and testimony was presented to show that the subject property should be set at Respondent's recommended value.

The Board placed greater reliability upon Respondent's value estimate. The three comparable sales, sold during the base period, 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 to the three comparable sales. Ms. Wilcox concluded the final value estimate in the lower

portion of her adjusted sale price range to reflect the limited view amenity from the subject patio. The Board agreed with the value conclusion of \$365,000.00 by Ms. Wilcox.

The Board concluded that the 2009 actual value of the subject property should be reduced to \$365,000.00.

**ORDER:**

Respondent is ordered to reduce the 2009 actual value of the subject property to \$365,000.00.

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 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

