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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>SHEA M. RHODES,</p> <p>v.</p> <p>Respondent:</p> <p>DOUGLAS COUNTY BOARD OF EQUALIZATION.</p> | <p>Docket No.: 53619</p> |
| <p>ORDER</p> | |

THIS MATTER was heard by the Board of Assessment Appeals on June 1, 2011, Debra A. Baumbach and Lyle D. Hansen presiding. Petitioner appeared pro se and was also represented by Mr. Paul J. Duca II. 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:

**4815 Mohawk Drive, Larkspur, Colorado
Douglas County Schedule No. R0015721**

The subject property consists of an unimproved residential lot situated in the Perry Park 6 Subdivision and containing a total of 43,560 square feet. The lot has no building improvements and no public utilities, is accessed from a gravel-surface subdivision street, has a gradual sloping topography upward to a rock formation and is covered with native grass and trees.

Petitioner was requesting an actual value of \$35,000.00 for the subject property for tax year 2009 but changed that figure during testimony to \$50,000.00. Respondent assigned a value of \$77,000.00 for the subject property for tax year 2009.

Petitioner presented ten comparable sales. Five of the comparable sales occurred during, or within six months of, the statutorily permissible data-gathering period. *See generally* Section 39-1-104(10.2)(d), C.R.S (stating that the data-gathering period for tax year 2009 was between January 1, 2007 and June 30, 2008, but the Board may go back in six month increments if it does not have sufficient sales to determine a level of value). The remaining five comparable sales occurred after

the data-gathering period, and they could not be considered. The five statutorily permissible sales ranged in sale price from \$38,500.00 to \$54,000.00 and in size from 0.895 to 1.641 acres. No adjustments were made.

Mr. Duca testified that property values were declining in 2006 and 2007 and there were no comparable sales in 2008. Mr. Duca testified that Respondent's 2006 sales are too old to determine market value for the subject and that there were no comparable sales between August 30, 2007 and June 30, 2008. He testified that Petitioner's five sales that occurred before the data-gathering period were located within two miles of the subject.

Petitioner is requesting a 2009 actual value of \$50,000.00 for the subject property.

Respondent presented a value of \$77,000.00 for the subject property based on the market approach.

Respondent's appraiser, Mr. Steven W. Campbell, presented seven comparable sales ranging in sale price from \$71,000.00 to \$85,000.00 and in size from 0.934 to 1.045 acres. After adjustments for financing and sales concessions, the sales range remained unchanged.

Mr. Campbell testified that the subject is a platted lot that is not eligible for a building permit until the road is improved and public utilities are installed. He testified that the subject is in good position to get utilities and street improvements since these improvements exist nearby on the same street. Mr. Campbell testified that Petitioner's comparable sales are located further away from the subject and have steep terrain with difficult access. Mr. Campbell testified that all of Petitioner's sales were purchased by the same buyer and all five sales involved the purchase of multiple lots. The comparable sale at 5861 Cheyenne Drive involved the purchase of two lots at \$20,000.00 per lot. Mr. Campbell testified that the Douglas County Assessor's Office accomplished analyses on changes in market conditions over the time period involved and concluded that no adjustment was warranted to the sale dates of the comparable sales.

Respondent assigned an actual value of \$77,000.00 to the subject property for tax year 2009.

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

The Board placed greater reliability upon Respondent's value estimate. The seven 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 analysis for the seven comparable sales.

ORDER:

The petition is denied.

APPEAL:

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

