

<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>LAURA M. CAVEY,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>DOUGLAS COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 53643</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on July 21, 2011, Diane M. DeVries and Lyle D. Hansen presiding. Mr. Chad Cavey appeared on behalf of Petitioner. 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:

**3186 Falling Star Place, Castle Rock, Colorado  
Douglas County Schedule No. R0450497**

The subject property consists of a two-story frame and stone single-family residence constructed in 2006 and containing a total of 3,261 square feet above grade with a 1,209-square foot basement that is unfinished. The residence has a total of four bedrooms, five bathrooms, one fireplace and a three-car built-in garage. The residence is located on a 13,504-square foot lot.

Petitioner requested an actual value of \$281,585.85 for the subject property for tax year 2009 on the petition. Mr. Cavey, increased the value to \$334,600.00 at the hearing, which represents the purchase price in 2006. Respondent assigned a value of \$353,677.00 for the subject property for tax year 2009.

Mr. Cavey presented three comparable sales ranging in sale price from \$300,000.00 to \$335,500.00 and in size from 3,090 to 3,638 square feet. After adjustments were made, the sales ranged from \$291,145.00 to \$311,305.00. Mr. Cavey presented an additional nine comparable sales

ranging in sale price from \$319,000.00 to \$334,600.00 and in size from 2,971 to 3,280 square feet. No adjustments were accomplished to these nine sales.

Mr. Cavey testified that the subject backs to high-voltage power lines and to Founders Parkway. He testified that the subject experiences adverse traffic noise from the parkway and is located close to one of the power line poles. Mr. Cavey testified that Respondent's appraiser did not give consideration to these two adverse influences to value and that the subject interior finish is inferior to Respondent's comparable sales. Mr. Cavey testified that the subject's builder gave a \$25,000.00 lot discount for lot location near the power line.

Mr. Cavey testified that the nine additional comparable sales had an average sale price per square foot of \$103.72. He concluded his value by multiplying gross living area of 3,208 square feet of the subject by \$103.72, resulting in a value conclusion of \$340,201.00.

Petitioner is requesting a 2009 actual value of \$334,600.00 for the subject property.

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

Respondent presented four comparable sales ranging in sale price from \$361,100.00 to \$390,500.00 and in size from 3,105 to 3,653 square feet. After adjustments were made, the sales ranged from \$351,584.00 to \$364,702.00.

Respondent's appraiser, Mr. Duane Meyer, testified that the power line is 101.54 feet from the subject and that all four of his comparable sales have power line adverse influence on value. He testified that he accomplished a paired sales analysis to derive an adjustment for power line influence and concluded a downward adjustment to all four comparable sales of \$10,000.00 for the adverse impact upon value of the subject property. Mr. Meyer testified that his Comparable Sales 1, 2 and 3 incur similar adverse traffic noise from Founders Parkway because of their location in the same block as the subject. He testified that he was not given an opportunity to accomplish an interior inspection of the subject and therefore could not comment on the interior finish. Mr. Meyer testified that he compensated for this difference by concluding his value in the lower range of the adjusted sale prices.

Respondent assigned an actual value of \$353,677.00 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 four comparable sales were located in the same residential subdivision as, and in close proximity to, the subject. The Board agreed with the appraiser's adjustment analysis to the four comparable sales. The Board agreed with Mr. Meyer's valuation analysis relating to the comparability of the comparable sales' exposure to the power line and Founders Parkway as compared to the subject's location. The Board

concurred with Mr. Meyer's value conclusion in the lower portion of his established adjusted sale price range to account for differences of the subject's interior finish from the comparable sales.

**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 29 day of July 2011.

**BOARD OF ASSESSMENT APPEALS**

*Diane M. DeVries*

Diane M. DeVries

*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

