

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>PATRICK ROONEY,</p> <p>v.</p> <p>Respondent:</p> <p>BROOMFIELD COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 55634</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on March 21, 2011, Louesa Maricle and Lyle D. Hansen presiding. Petitioner appeared pro se. Respondent was represented by Tami Yellico, Esq. Petitioner is protesting the 2010 actual value of the subject property.

Subject property is described as follows:

**14042 Pinehurst Circle, Broomfield, Colorado
Broomfield County Schedule No. R8863385**

The subject property consists of a two-story single-family residence constructed in 2009. The residence contains a total of 3,511 square feet of gross main living area with a 1,854 square foot basement of which 120 square feet is finished. The residence has three bedrooms, three and one-half baths, and one fireplace. There is a built-in three-car garage. The residence is situated on a 10,200 square foot lot that is located in the Broadlands Filing #19 Subdivision.

Petitioner is requesting an actual value of \$523,900.00 for the subject property for tax year 2010. Respondent assigned a value of \$620,000.00 for the subject property for tax year 2010.

Petitioner, Mr. Rooney, presented an appraisal accomplished by Melanie Courtney. The date of the appraisal was August 4, 2010. The appraisal was not admissible since the appraisal date occurred after the data collection period ending on June 30, 2008. Petitioner presented one comparable sale to support his value estimate. The comparable sale occurred at 19050 Pinehurst

Circle and sold for \$507,000.00. Petitioner confirmed the sale date occurred in July, 2010. This comparable sale was not admissible since the appraisal date occurred after the data collection period ending on June 30, 2008. Mr. Rooney based his value conclusion upon his purchase price of \$523,900.00 with a purchase date occurring in June of 2009.

Mr. Rooney testified that it was his understanding that his property was a vacant lot as of the assessment date, and he also thought that the assessment date was June 1, 2008. However, the assessment date for his property was January 1, 2010.

Petitioner is requesting a 2010 actual value of \$523,900.00 for the subject property.

Respondent presented a value of \$630,000.00 for the subject property based on the market approach.

Respondent's appraiser, Mr. Jay Yamashita, presented five comparable sales ranging in sale price from \$637,900.00 to \$763,900.00 and in size from 3,511 to 3,881 square feet. After adjustments were made, the sales ranged from \$598,857.00 to \$674,624.00.

Respondent assigned an actual value of \$620,000.00 to the subject property for tax year 2010.

Respondent presented sufficient probative evidence and testimony to show that the subject property was correctly valued for tax year 2010.

The Board placed greater reliability upon Respondent's value estimate. The five comparable sales were located in the same residential subdivision as the subject and in close proximity to the subject. Three of the comparable sales were the same model floor plan as the subject and two of the comparable sales were similar in model floor plan. The Board agreed with the appraiser's adjustment analysis to the five comparable sales. Mr. Yamashita indicated that market trends of values for single-family residences in this Broadlands neighborhood during the base study period indicated a slight downward trend, and he accomplished downward adjustments to each of the five comparable sales.

The Board concurred with Respondent's assigned value of \$620,000.00.

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 1 day of April 2011.

BOARD OF ASSESSMENT APPEALS



Louesa Maricle



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

