

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**

1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 57814

Petitioner:

**GENEVIEVE S. WALLACE AND JOHN P.
CONNORS**

v.

Respondent:

EL PASO COUNTY BOARD OF EQUALIZATION.

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on December 14, 2011, Louesa Maricle and Sondra W. Mercier presiding. Petitioners Genevieve Wallace and John Connors appeared pro se. Respondent was represented by George Monsson, Esq. Petitioners are protesting the 2011 actual value of the subject property.

Subject property is described as follows:

**9 Broadmoor Avenue, Colorado Springs, Colorado
El Paso County Schedule No. 74362-19-009**

The subject property consists of a single family residence with 5,263-square feet that was built in 1900. The residence is on a 28,009-square foot site. Petitioners purchased the property on October 31, 2008 for \$1.8 million.

Petitioners are requesting an actual value of \$900,000.00 for the subject property for tax year 2011. Respondent assigned a value of \$1,183,600.00 for the subject property for tax year 2011.

Petitioners relied on the five sales used by Respondent, including the sale of the subject; however, Petitioners presented the values assigned to each of the sales by the El Paso County Assessor. Petitioners contend that their home should be assigned a value similar to the value assigned to the other four sales. Assigned values ranged from \$892,160.00 to \$1,258,427.00. Petitioners testified to the superior condition of the comparable sales for updating, size, privacy, age, and features.

Petitioners are requesting a 2011 actual value of \$900,000.00 for the subject property based on the actual values assigned to the comparable sales by the Assessor.

Respondent presented a value of \$1,183,600.00 for the subject property based on the market approach.

Respondent's witness, Mr. Robert T. Ross, El Paso County Assessor's Office, presented five comparable sales with time trended sales prices ranging from \$1,004,500.00 to \$1,748,350.00 including the sale of the subject, with a time adjusted sale price of \$1,724,400.00. After adjustments were made, the sales ranged from \$1,062,555.00 to \$1,761,545.00.

Respondent assigned an actual value of \$1,183,600.00 to the subject property for tax year 2011.

Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2011. Respondent correctly relied on the market approach, analyzing six comparable sales, including the sale of the subject.

Petitioners incorrectly valued the subject using a comparison of the values assigned by the Assessor during the mass appraisal process. Petitioners' analysis does not meet the statutory requirement set in Section 39-1-103(5)(a), C.R.S., "[t]he actual value of residential real property shall be determined solely by consideration of the market approach to appraisal."

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 27th day of December, 2011.

BOARD OF ASSESSMENT APPEALS



Louesa Maricle



Sondra W. Mercier

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



Milla Crichton

