

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>YVONNE M. BARTH & DARRELL B. JOHNSON,</p> <p>v.</p> <p>Respondent:</p> <p>LARIMER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 57868</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on March 12, 2012, Debra A. Baumbach and Amy J. Williams presiding. Mr. Darrell Johnson appeared on behalf of Petitioners. Respondent was represented by Ms. Linda Connors, Esq. Petitioners are protesting the 2011 classification of the subject property.

Subject property is described as follows:

**4201 Trowbridge Drive, Fort Collins, Colorado 80526
Larimer County Schedule No. R1171054**

The subject property consists of a ranch-style, single family residence with 2,783 square feet of above-grade finished living area and 1,064 total square feet of basement area. The residence sits on a 14,229 square foot lot. Built in 1987, the residential structure consists of an 825 square foot garage, three bedrooms and two and a half baths.

Petitioners are requesting a 2011 value of \$345,000.00. The Larimer County Assessor's Office placed a value of \$416,000.00 on the subject, which was upheld by the Larimer County Board of Equalization.

Petitioners reviewed the sales utilized by the Larimer County Assessor's Office. Using these same sales, Petitioners presented averages of the six comparable sales, adjusting the average adjusted sale price of \$404,283.00 by \$10,000.00 per room for the difference between the subject room count and the average of the comparables room count, as well as adjusting \$11,000.00 per bathroom for the difference between the subject bathroom count and the average bathroom count. Petitioners also

made a lot size adjustment of minus \$10,000.00, accounting for the difference between the subject lot size and the average lot size of the comparables. The concluded value via this approach was \$340,863.00. Petitioners presented a second approach to value based upon the dollar per square foot adjustment figures for both building square footage and land square footage utilized by the Larimer County Assessor. This method produced a value of \$349,012.00. Mr. Johnson also testified that his basement should not be considered a finished basement as the walls were not insulated. Additionally, he testified that his lot was inferior to the comparable sales as he had a two-story house located directly behind his house and did not abut open space as did most of the comparable sales presented by Respondent.

Respondent's witness, Mr. Darren Dahlgren, a Colorado Certified General Appraiser, testified regarding the six sales that were utilized in the valuation of the subject property. The sales ranged between \$385,000.00 and \$470,000.00. After adjustment, the value indications ranged between \$311,633.00 and \$512,315.00. Respondent also testified that the subject does have a finished basement which includes carpet, finished ceiling with canned lighting, a half bath and concrete walls finished with a painted brick appearance. Mr. Dahlgren further testified that a \$20,000.00 downward adjustment was made to account for those comparable sales which backed up to open space as opposed to other residential lots.

The Board agrees with Respondent that Petitioners' basement is correctly characterized as a finished basement. Additionally, the method of valuation presented by Petitioners utilizing average bathroom count, room count and lot size as compared to the subject is not appropriate appraisal methodology. Finally, Petitioners' requested value falls well below the range of both adjusted and unadjusted sale prices presented.

Respondent presented sufficient probative evidence and testimony to show that the subject property was correctly valued for tax year 2011.

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).

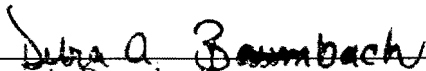
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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 29th day of March, 2012.

BOARD OF ASSESSMENT APPEALS

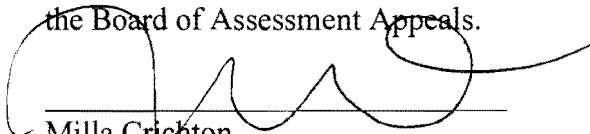


Debra A. Baumbach



Amy J. Williams

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



Milla Crichton

