

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**
1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 58137

Petitioner:

STEVEN AND TERESA DUNHAM,

v.

Respondent:

TELLER COUNTY BOARD OF EQUALIZATION.

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on March 12, 2012, James R. Meurer and Diane M. DeVries presiding. Petitioners were represented by Steven Dunham. Respondent was represented by Matthew Niznick, Esq. Petitioners are protesting the 2011 actual value of the subject property.

Subject property is described as follows:

**75 Mica Road, Divide, Colorado
Teller County Schedule No. R0010386**

The subject property consists of a 1-1/2 story peeled log single family residence with a metal roof built in 1998 on 5.65 acres. The residence contains 2,352 square feet above grade, 1,500 square foot unfinished basement with a 676 square foot attached garage. There are two bedrooms, one five fixture bath and one three fixture bath with hot water radiant heat. The neighborhood is a gated community. The property has all available utilities including electric, telephone, well and septic. The property elevation is 9,500 feet.

Petitioners are requesting an actual value of \$390,000.00 for the subject property for tax year 2011. Respondent assigned a value of \$501,540.00 for the subject property for tax year 2011 but is recommending a reduction to \$458,178.00.

Petitioner, Steven Dunham, testified that he built the subject property in 1998. The property is in need of work. He attempted to get refinancing, which was denied, to refinish hardwood floors on the first level, update carpet, replace windows due to the seals being broken, remove an old stain,

perform media blast, sand and stain exterior. Estimate of repairs was approximately \$30,000.00. At that time, Mr. Dunham had an appraisal done, however, he was unable to use that appraisal for this hearing.

Mr. Dunham stated that the subject property is in need of constant repair and maintenance.

Mr. Dunham stated that Respondent's Comparable One was a major rebuild following a flood in 2007.

Petitioners are requesting a 2011 actual value of \$390,000.00 for the subject property.

Respondent presented a value of \$458,178.00 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sale price from \$450,000.00 to \$595,000.00 and in size from 1,980 to 2,579 square feet. After adjustments were made, the sales ranged from \$410,687.00 to \$518,061.00.

Debbie Martin, Certified Residential Appraiser with the Teller County Assessor's Office, made adjustments for land size, main living area square footage, basement total, basement finished, year built, bedrooms, baths, fireplace, heating, and porch/deck. Questioning by the Board revealed that Ms. Martin made a significant error on the adjustments for basement finished.

Respondent assigned an actual value of \$501,540.00 to the subject property for tax year 2011. Respondent is recommending a reduction to \$458,178.00.

Petitioners presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2011.

The Board does not agree with the excessive land adjustment made by Respondent's witness, and believes that other adjustments made by the witness were inadequate.

The Board concluded that the 2011 actual value of the subject property should be reduced to \$400,000.00.

ORDER:

Respondent is ordered to reduce the 2011 actual value of the subject property to \$400,000.00.

The Teller County Assessor is directed to change their records accordingly.

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.

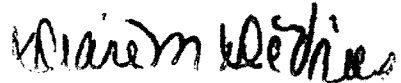
Section 39-8-108(2), C.R.S.

DATED and MAILED this 10th day of April, 2012.

BOARD OF ASSESSMENT APPEALS

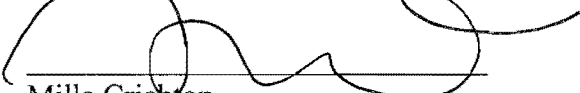


James R. Meurer



Diane M. DeVries

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



Milla Crickton

