

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

**Docket No.: 59126**

Petitioner:

**HARRY B. SLAYBACK,**

v.

Respondent:

**DENVER COUNTY BOARD OF EQUALIZATION.**

**ORDER**

**THIS MATTER** was heard by the Board of Assessment Appeals on February 21, 2012, Diane M. DeVries and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by Jeremy Moroff, Esq. Petitioner is protesting the 2011 actual value of the subject property.

Subject property is described as follows:

**6775 West Princeton Avenue, Denver, Colorado  
Denver County Schedule No. 09024-02-015-000**

The subject property is a 4,586 square foot two-story home with a partially-finished walkout basement and three-car garage. It was built in 1992 on a 16,658 square foot lot on the Pinehurst Golf Course.

Petitioner is requesting an actual value of \$851,227.00 for tax year 2011. Respondent assigned a value of \$1,190,900.00 but is recommending a reduction to \$1,100,000.00.

Petitioner presented four comparable sales ranging in sale price from \$595,000.00 to \$775,000.00 and in size from 3,274 to 3,833 square feet. No adjustments were made to the sales, which are all located on the subject street. Mr. Slayback calculated the difference between each sale price and the assigned value of its site and divided it by finished square feet (including basement finish) to arrive at a value per square foot. The per-square foot average of the four comparables (\$102.46) was applied to the subject's finished square footage to conclude to \$626,227.00 plus land value of \$225,000.00 and concluding to the subject's total value of \$851,227.00.

Respondent presented a value of \$1,100,000.00 for the subject property based on the market approach. Respondent's witness, Paul Langerak, Certified General Appraiser, presented three comparable sales ranging in sale price from \$870,000.00 to \$1,100,000.00 and in size from 3,870 to 3,962 square feet. After adjustments were made, the sales ranged from \$1,037,308.00 to \$1,206,808.00. Mr. Langerak placed most weight on Sale 1 with an adjusted sale price of \$1,102,020.00.

Mr. Langerak declined the use of Petitioner's four sales, because they were smaller than the subject and because their construction quality was inferior, the latter reasoning considered unsupported by the Board and not persuasive.

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

The Board notes that Petitioner's methodology does not conform to standard appraisal practice and does not meet constitutional or statutory requirements. "The actual value of residential real property shall be determined solely by consideration of the market approach to appraisal. . ." Section 39-1-103(5)(a), C.R.S.

The Board is convinced that Petitioner's four sales, because of their proximity and appeal, are valid comparisons for the subject. Respondent's adjustments were applied to Petitioner's comparables with resulting adjusted sale prices ranging from mid \$800,000.00 to high \$900,000.00. The Board considers these four sales and Respondent's Sales 1 and 2 to best represent the subject.

The Board concluded that the 2011 actual value of the subject property should be reduced to \$950,000.00.

### **ORDER:**

Respondent is ordered to reduce the 2011 actual value of the subject property to \$950,000.00

The Denver 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.

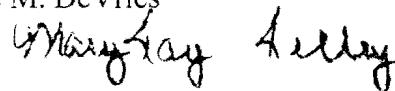
Section 39-8-108(2), C.R.S.

**DATED and MAILED** this 29th day of February, 2012.

**BOARD OF ASSESSMENT APPEALS**

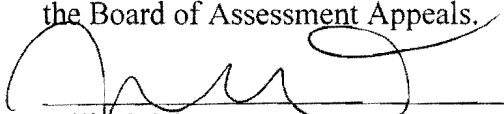


\_\_\_\_\_  
Diane M. DeVries



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MaryKay Kelley

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

  
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Milla Crichton