

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>NILS PETERSEN,</p> <p>v.</p> <p>Respondent:</p> <p>BOULDER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 59148</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on May 22, 2012, Debra A. Baumbach and Lyle D. Hansen presiding. Petitioner, Mr. Nils Petersen, appeared pro se. Respondent was represented by Michael A. Koertje, Esq. Petitioner is protesting the 2011 actual value of the subject property.

Subject property is described as follows:

**283 Alpine Drive, Nederland, Colorado 80466
Boulder County ID No. R0056043**

The subject property consists of a two-story wood frame single-family residence built in 2007 and containing a total of 2,316 square feet of gross living area above grade, a 1,083 square foot walk-out basement of which 892 square feet are finished. The residence has a total of four bedrooms, two full baths, a three-quarter bath and a half bath. There is a two-car 472 square foot attached garage. The residence is situated on a 0.60-acre lot.

Petitioner, Mr. Nils Petersen, provided his estimate of value on the Petition of \$396,667.00 but requested an actual value of \$400,000.00 for the subject property for tax year 2011 at the hearing. Respondent assigned a value of \$445,000.00 for the subject property for tax year 2011.

Mr. Petersen presented three comparable sales ranging in sale price from \$345,000.00 to \$415,200.00 and in size from 936 to 1,920 square feet. After Mr. Petersen completed his calculations, he concluded to a value of \$400,000.00. Mr. Petersen did not provide his calculations or individual adjustments to the comparable sales at the hearing. He testified that he did not engage

the services of a Colorado licensed real estate appraiser to provide a supportable estimate of market value for his property.

Mr. Petersen testified that multiple mistakes were accomplished on Boulder County's appraisal. He testified that the year of construction and bathroom count figures were wrong and that the basement finish area and the lot acreage were incorrect. Mr. Petersen testified that Mr. Stewart Leach, Boulder County appraiser, did not accomplish a full inspection of the improvements.

Petitioner is requesting a 2011 actual value of \$400,000.00 for the subject property.

Respondent's appraiser, Mr. Stuart Leach who is a Colorado Certified General Appraiser, presented a value of \$500,000.00 for the subject property based on the market approach.

Mr. Leach presented three comparable sales ranging in sale price from \$435,000.00 to \$439,000.00 and in size from 1,876 to 1,920 square feet. After adjustments were made, the sales ranged from \$492,000.00 to \$533,000.00.

Mr. Leach testified that the subject is a custom quality residence situated on a hillside lot overlooking Barker Reservoir. He testified that he did fully inspect the interior of the residence as evidenced by his inspection notes. Mr. Leach testified that he observed water stains on the basement walls. He testified that Mr. Petersen had reported problems to the leach field absorption beds caused by surface runoff water where the surface erosion of fine soil particles impacted the leach field. Mr. Leach testified that Mr. Petersen did not provide any engineering studies or bids to identify the cost to correct the drainage-related problems. Mr. Leach testified that since no estimates were provided for the cost to cure, he accomplished no adjustment to reflect this condition and concluded to the unimpaired value of \$500,000.00 for the subject.

Respondent assigned an actual value of \$445,000.00 to the subject property for tax year 2011.

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

The Board placed greater reliability upon Respondent's value estimate. The comparable sales were adjusted for differences in lake view amenity, land size, year of construction, quality, gross living area, basement area and finish, number of bathrooms, walk-out basement and garage area. The Board agreed with the appraiser's adjustment analysis to the three comparable sales. The Board agreed with the appraiser's final valuation placed near the lower end of the adjusted sale price range.

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 25th day of May, 2012.



BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach

Debra A. Baumbach

Lyle D. Hansen

Lyle D. Hansen

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

Milla Crichton

Milla Crichton