

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>BRENT AND LOIS ANDERSON,</p> <p>v.</p> <p>Respondent:</p> <p>LARIMER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 70558</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on January 24, 2018, Diane M. DeVries and MaryKay Kelley presiding. Brent Anderson appeared pro se on behalf of Petitioners. Respondent was represented by David P. Ayraud, Esq. Petitioners are protesting the 2017 actual value of the subject property.

Subject property is described as follows:

**1730 Sheehan Drive, Berthoud, Colorado
Larimer County Schedule No. R1355252**

The subject is a 1,403-square-foot ranch with basement, garage and outbuilding. It was built in 1994 on a 4.3-acre site southwest of Berthoud.

Respondent assigned a value of \$352,800 for tax year 2017. Petitioners are requesting a value of \$317,330.

Mr. Anderson testified that the actual value of his property increased from tax year 2016 by over 28%. In comparison, one other property on his street increased by only 15.35%, and three homes on his street increased by an average of only 16.95%.

Mr. Anderson based his requested value on comparison of actual values for 1827 Sheehan Drive, a neighboring property. He presented Assessor Property Information, which listed its actual value of \$369,500 for tax year 2016 and testified to its 2017 actual value of \$435,000. He then

increased the subject property's 2016 value of \$275,100 by 15.35%, concluding to his requested value of \$317,330.

Respondent's witness, Darren C. Dahlgren, Certified General Appraiser for the Larimer County Assessor's Office, presented four comparable sales. Sale One, the subject property, sold for \$275,199 on September 4, 2012, which falls within the extended five-year base period. Mr. Dahlgren applied an adjustment for value increase for an adjusted value conclusion of \$352,800. He also presented three other sales that ranged in sale price from \$510,000 through \$550,000. They were adjusted for value increase, size, basement size and finish, garage size, and age. Mr. Dahlgren concluded to the rounded median or \$555,000, which supports Sale One's adjusted value of \$352,800.

Petitioners presented insufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2017.

Pursuant to Section 39-1-103(5)(a), C.R.S., the actual value of residential property shall be determined solely by consideration of the Market Approach. A Market Approach is defined by Section C.R.S. 39-1-103(8)(a)(I) as "a representative body of sales, including sales of a lender or government, sufficient to set a pattern, and appraisals shall reflect due consideration of the degree of comparability of sales, including the extent of similarities and dissimilarities among properties that are compared for assessment purposes."

Petitioners presented equalization evidence (which includes the assessor's valuation of similar property similarly situated). While actual values of neighboring properties are credible evidence, they do not meet the standard of Section 39-1-103(5)(a), C.R.S., which requires comparable sale selection and analysis. The Board finds that Petitioners presented insufficient probative evidence to convince the Board that Respondent's valuation of the subject property was incorrect.

The Board finds Respondent's evidence more compelling. It consists of a Market Approach that includes a selection of comparable sales and comparison to the subject.

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-nine 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-nine days after the date of the service of the final order entered).

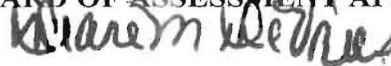
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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.

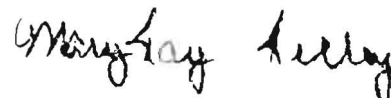
Section 39-8-108(2), C.R.S.

DATED and MAILED this 6th day of February, 2018.

BOARD OF ASSESSMENT APPEALS



Diane M. DeVries



MaryKay Kelley

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



Milla Lishchuk

