

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>BRIAN K. CLARK,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF COMMISSIONERS.</p>	<p>Docket No.: 70713</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on January 19, 2018, Gregg Near and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by Casie Stokes, Esq. Petitioner is protesting the 2016 actual value of the subject property.

Subject property is described as follows:

**4947 Hollyhock Ln., Indian Hills, Colorado
Jefferson County Schedule No. 300437087**

The subject is a 2,324-square-foot ranch with walkout basement and garage. It was built in 2015 on a 4.76-acre site in Lane Ranch, an eleven-lot subdivision, roughly two miles from Indian Hills.

Respondent assigned a value of \$826,442 for tax year 2016, which is supported by an appraised value of \$1,078,600. Petitioner is requesting a value of \$700,000.

Mr. Clark described Indian Hills as an eclectic area of large and small acreages with summer cabins and year-round homes, both stick-built and kit-built, and varying in size and construction quality. He described Lane Ranch as a newer development with eight of eleven lots developed, each on approximately five acres. He testified that the quality of these custom homes has decreased with time.

Mr. Clarke researched four properties within the subject subdivision and presented their actual values and values per square foot for 2015/2016 and 2016/2017. He applied the average of these values per square foot to the subject's finished living area (4,414 square feet), concluding to proposed values of \$665,538 and \$644,500 for the two time frames. His requested value of \$700,000 is a result of rounding.

Mr. Clark noted that Respondent presented three comparable sales but relied on just one (Sale One) due to its similarity to the subject. He, however, emphasized its dissimilarity: its doors were wider and taller, its woodwork superior; and it had Viking appliances in comparison to his Acorn appliances. He also noted lack of an adjustment for this sale's five-bay car storage but acknowledged the witness's explanation that the additional bays were added post-sale.

Respondent's witness, Laura L. Burtschi, Licensed Appraiser for the Jefferson County Assessor's Office, presented a Sales Comparison Analysis concluding to an indicated value of \$1,078,600. She presented three comparable sales ranging in sale price from \$697,500 to \$968,300 but placed all weight on Sale One, which sold for \$968,300, due to its location with the subject subdivision and similarity in size, acreage, and quality of construction. She made adjustments for market conditions (improving market), land size and contributors (unsatisfactorily defined), basement walkout and finish as well as fireplaces/wood stoves to conclude to an adjusted value of \$1,078,600.

Respondent cited the sale of the subject property on July 10, 2015 for \$1,187,500 (under contract on June 9, 2015).

Petitioner presented insufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2016.

Petitioner presented actual values of four properties. Pursuant to Section 39-8-108(5)(b), C.R.S., the Assessor's valuation of similar property similarly situated is credible evidence. However, Petitioner did not present a market analysis of the four properties, which is required by Section 39-1-103(5)(a), C.R.S. A market analysis, per C.R.S. 39-1-103(8)(a)(I), "shall require 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." Listing and/or averaging actual values is insufficient.

The Board finds Respondent's evidence more compelling. It consists of a Market Approach, as required by statute, which includes a selection of three comparable sales. The Board agrees with the witness that a search outside the subject subdivision was necessary due to lack of sales within. It also finds reliance on Sale One appropriate due to its similarity in location, acreage, and other features.

The Board finds Petitioner's knowledge of Respondent's Sale One convincing (superior quality materials and finishes) but was given no specific data with which to make adjustments. Also, the Board is not convinced that, even if additional supportable adjustments were applied per

Petitioner's testimony, Sale One's value would drop below the \$826,442 value assigned to the subject.

Respondent's witness was unable to explain the process of making adjustments for land size, land type, and land contributors. The inability to explain the adjustment process directly relates to the credibility of the report. Nonetheless, the Board finds Respondent's reliance on Sale One to be appropriate in determining the subject's value.

The Board recognizes the complexities in ad valorem valuation. By way of clarification, the tax year in question is 2016. Valuation occurs every odd year (2015 in this case), and the base period for valuation is the preceding 18 months or in this case January 1, 2013 through June 30, 2014. The Board notes that this Assessor's office uses an extended base period of 24 months from July 1 of 2012 through June 30, 2014 in order to gather the greatest number of comparable sales.

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 for assessment of the county wherein the property is located, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provision 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).

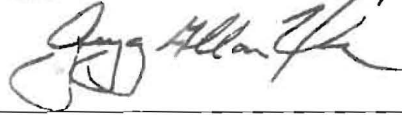
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law when Respondent alleges procedural errors or errors of law by the Board.

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 for assessment of the county in which the property is located, Respondent may petition the Court of Appeals for judicial review of such questions.

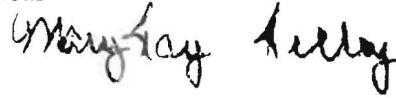
Section 39-10-114.5(2), C.R.S.

DATED and MAILED this 5th day of February, 2018.

BOARD OF ASSESSMENT APPEALS



Gregg Near



MaryKay Kelley

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



Milla Lishchuk

