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BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203	Docket No.: 71415
Petitioner: SHOOU-YU AND HAE-JA TANG, v. Respondent: LARIMER COUNTY BOARD OF EQUALIZATION.	
ORDER	

THIS MATTER was heard by the Board of Assessment Appeals on August 3, 2018, Debra A. Baumbach and Gregg Near presiding. Petitioner Hae-Ja Tang appeared pro se on behalf of Petitioners. Respondent was represented by David P. Ayraud, Esq. Petitioner is protesting the 2017 actual value of the subject property.

Subject property is described as follows:

**6706 Majestic Drive
Fort Collins, CO
Larimer County Schedule No. R1436953**

The subject property consists of a two story single family residence containing 2,854 square feet of above ground living area with 5 bedrooms and 3.5 baths. The home has a finished 1,457 square foot basement, a 1,008 square foot garage and is situated on a 1.03 acre (±44,867 square feet) site in unincorporated Larimer County. The home was constructed in 1995 and is identified by the Larimer County Assessor as “Average Plus” in quality of construction and “Average” in condition.

Petitioner is requesting an actual value of \$500,000 for the subject property for tax year 2017. Respondent assigned a value of \$568,500 for the subject property for tax year 2017.

Evidence Presented Before the Board

Petitioner presented seven comparable sales, two of which, 4127 Stoneham Circle and 2950 Beech Drive, transferred after the base period and were eliminated. The remaining sales ranged in sale price from \$395,000 to \$640,000. Two of the sales, 6620 Majestic Drive and 2028 Majestic Drive, were located within the subject subdivision. No adjustments were applied to the comparable sales. Petitioner stated he gave the most weight to the two sales within the subdivision to determine value.

Petitioner maintains the Assessor failed to take into consideration a number of factors about the subject property. Mr. Tang stated there was no weight given to his property's location outside of Fort Collins. This has resulted in children being required to attend schools in Loveland that are much further away. Because buyers are very concerned about proximity to schools this has resulted in a loss of marketability. The home is adversely influenced by a location subject to significant traffic influence and the home is also across the street from a church with a large parking lot and intrusive lighting. Petitioner also asserted that his property was inferior in condition and quality to the sales within the subdivision. Mr. Tang pointed to the difference in sale price for the 2002 purchase of 6620 Majestic Drive and the more recent sale in 2016 as proof of only a minimal value increase for the subject since his purchase in 2004.

Petitioner is requesting a 2017 actual value of \$500,000 for the subject property.

Respondent presented a value of \$597,000 for the subject property based on the market approach.

Respondent's witness Darren C. Dahlgren, a Certified General Appraiser for the Larimer County Assessor, presented a Sales Comparison Approach containing three comparable sales ranging in sale price from \$550,000 to \$594,000 and in size from 2,980 to 3,150 square feet. After adjustments were made, the sales ranged from \$559,478 to \$607,778.

The witness adjusted the comparable sales for market conditions (time); above ground square footage; basement size and finish; garage size and age. Mr. Dahlgren stated Larimer County does not adjust for traffic influence in the subject subdivision. No adjustment was applied for land size differences between the subject at 1.03 acres and Sales No. 2 and 3 containing 0.31 and 0.32 acres respectively. The witness considered all three sales and adopted the median indication of \$597,020.

Respondent assigned an actual value of \$568,500 to the subject property for tax year 2017 and supported that value with a site specific appraisal of \$597,020.

The Board's Findings

The burden of proof is on a protesting taxpayer to show that the assessor's valuation is incorrect by a preponderance of the evidence in a de novo BAA proceeding. *Board of Assessment Appeals v. Sampson*, 105 P.3d 198 (Colo.2005). After careful consideration of all of the evidence, including testimony presented at the hearing, the Board finds that Petitioner presented insufficient

probative evidence and testimony to prove that the tax year 2017 valuation of the subject property was incorrect.

Petitioner presented several sales but did not adjust the comparable properties for significant property features including analysis of market conditions. The Board finds Petitioner's process of comparison of a historic transaction in 2002 to the sale price of a home in 2016 to be flawed and outside typical appraisal practice. Petitioner's refutation of Respondent's appraisal conclusions and adjustments for property features was not convincing.

The Board finds Respondent provided a site specific appraisal but considers Respondent's witness to be less than persuasive. When asked by the Board for the source of the adjustments applied within his report the witness replied he relied solely upon mass appraisal conclusions. This procedure is insufficient as it fails to properly support reasonable adjustments specific to the subject.

Although the Board did not find Respondent's report persuasive, Petitioner did not present sufficient probative evidence or testimony to support a reduction to the subject's 2017 assigned value of \$568,500.

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 31st day of August, 2018.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach

Debra A. Baumbach

Gregg Near

Gregg Near

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

Milla Lishchuk

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