

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**

1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 71625

Petitioner:

LARRY J. & SANDRA KRIEGER,

v.

Respondent:

DOUGLAS COUNTY BOARD OF EQUALIZATION.

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on April 11, 2018, Cherice Kjosness and Debra A. Baumbach presiding. Mr. Larry J. Krieger appeared on behalf of Petitioners. Respondent was represented by Dawn L. Johnson, Esq. Petitioners are protesting the 2017 actual value of the subject property.

The parties agreed to the admission of Petitioners' Exhibit 1 and Respondent's Exhibit A.

Subject property is described as follows:

**11979 S Copper Creek Circle, Parker, CO
Douglas County Schedule No: R0452435**

The subject property is a 1,939 square foot ranch style home with a 1,939 square foot walk-out basement built in 2006. The property is situated on 7,405 square foot lot in the Horse Creek Subdivision in Parker.

Petitioners are requesting an actual value between \$410,000 and \$420,000 for the subject property for tax year 2017. Respondent assigned a value of \$462,648 for tax year 2017.

Petitioner, Mr. Krieger presented no comparable sales but instead referred to a list of 35 properties located in the Horse Creek Subdivision. Mr. Krieger testified that he compared assigned values from the assessor for tax year 2015 to the values set in 2017 concluding to a 14.32% increase in values from the previous assessment cycle. Mr. Krieger contends that Respondent did not equally

value his property in comparison to other similar properties in the subdivision. According to Mr. Krieger, his property was valued over 24% higher than any property in the area. Upon questions from the Board Mr. Krieger testified that there were approximately six sales in his analysis that sold during the time frame but did not have any specific information regarding the sales.

Mr. Krieger provided a description of the subject property's location backing up to a busy street and testified that Respondent did not give any consideration to the inferior location. Mr. Krieger also questioned Respondent's adjustment calculation and the lack of support that was provided in Respondent's valuation analysis. Mr. Krieger contends that Respondent has incorrectly applied the appraisal methodology in valuing his property.

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Respondent's witness, Becky Fischer, Certified Residential Appraiser with Douglas County Assessor's Office, presented a value of \$480,000 based on the market approach. Ms. Fisher testified that she completed a site-specific appraisal of the subject property. Ms. Fisher researched four comparable sales, all ranch style homes, located in the same subdivision including three of the sales that are the same model as the subject property. Adjustments were made for differences in property characteristics and were based on paired sales analysis. Ms. Fisher referred to the sales grid to support the concluded value. Ms. Fisher testified that during the exterior inspection of the subject property she did not observe any traffic or other adverse location issues that would warrant an adjustment.

In a *de novo* BAA proceeding, a taxpayer has the burden of proof to establish, by a preponderance of the evidence, that the challenged valuation is incorrect. See *Bd. of Assessment Appeals v. Sampson*, 105 P.3d 198, 202, 208 (Colo. 2005). The Board finds that Petitioners presented insufficient probative evidence and testimony to prove that the subject property was incorrectly valued for 2017.

The assessor must determine the actual value of residential real property solely by considering the market approach to appraisal. This approach requires the assessor to determine what a willing buyer would pay a willing seller under normal economic conditions. *Matthews v. Jefferson Cnty. Bd. of Equal.*, 10CA2077 (2011). Use of the market approach shall require a representative body of sales, including sales by 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. Section 39-1-103(8)(a)(I), C.R.S. The Board finds Respondent's evidence and testimony to be the most credible. Respondent's witness correctly completed a site-specific market analysis of the subject property comparing sales of similar properties and adjusting the sales for difference in property characteristics.

Petitioners argued that the subject was not equally valued relative to other properties in the neighborhood. The Board can only consider an equalization argument as support for the value determined using the cost, market, or income approach to appraisal. Equalization, which is the act of

raising or lowering the total valuation placed on a class or subclass of property within a designated territorial limit, does not account for the specific attributes of individual properties and, thus, is not a proper valuation method for an individual, residential property.

The Board reviewed the list of assigned values for tax year 2017 presented by Petitioners and concluded that the subject property's assigned value is well within the range of values. For an equalization argument to be effective, Petitioners must also present evidence or testimony that the assigned values of the comparable properties were correctly valued. As Petitioners did not provide any additional evidence that the assigned values were correctly valued the Board can give no further consideration to an equalization argument. See *Arapahoe County Board of Equalization v. Podall*, 935 P.2d 14, 17 (Colo. 1997)

The Board was convinced by Petitioner's testimony and Respondent's location map that the subject property backs a feeder street into the subdivision creating added traffic noise during certain times of the day. The Board finds that Respondent's assigned value is significantly lower than the indicated value taking into consideration an adjustment downward for traffic noise as well as any additional factors affecting the property.

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.

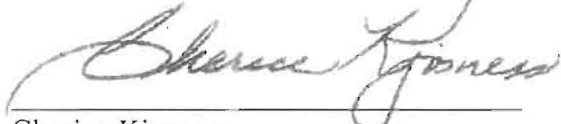
If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such

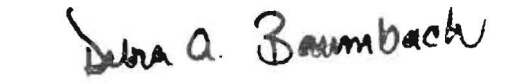
decision.

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

DATED and MAILED this 4th day of May, 2018.

BOARD OF ASSESSMENT APPEALS


Cherice Kjosness


Debra A Baumbach

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


Milla Lishchuk

