

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>KAREN WELDEN,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>DOUGLAS COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 73650</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on July 31, 2018, Gregg Near and Debra A. Baumbach presiding. Petitioner appeared *pro se*. Respondent was represented by Megan L. Taggart, Esq. Petitioner is protesting the 2017 actual value of the subject property.

The parties stipulated to the admission of Petitioner's Exhibits 10A through 10D and Respondent's Exhibit A. Ms. Peggy L. Kruml was admitted as an expert witness.

Subject property is described as follows:

**919 Anaconda Drive, Castle Rock, CO  
Douglas County Schedule No: R0404420**

The subject property is a semi-custom 3,842 square foot two-story home built in 1999. The residence contains four bedrooms, four bathrooms and a 1,904 square foot walk-out basement with 1,599 square feet of finish. The garage area is 936 square feet and the lot size is 34,369. The home is located in the Castle Pines Village Subdivision.

Petitioner is requesting an actual value of \$700,000 for the subject property for tax year 2017. Respondent assigned a value of \$990,000 for tax year 2017.

Petitioner described the subject property's limited updating and deferred maintenance. For support, she also included repair estimates and photos. Ms. Welden claims that Respondent's analysis includes sales that are not truly comparable because they were significantly updated.

According to Ms. Welden, Respondent ignored the sales in the market area that were not updated and sold at the lower end of the price range.

To support the requested value, Ms. Welden presented thirteen sales ranging in sales price from \$630,000 to \$875,000 and in size from 3,079 to 4,790 square feet. The sales occurred between March 2015 and June 2016; no adjustments were made for differences in property characteristics. Petitioner also presented three additional sales that were built in 2014 and 2015, ranging in sale prices from \$662,000 to \$745,714 and in size from 3,627 to 3,893 square feet.

Petitioner is requesting a value of \$700,000 for the subject property for tax year 2017.

Respondent's witness Peggy L. Kruml, a Certified Residential Appraiser with the Douglas County Assessor's Office, presented a sales comparison approach including five comparable sales ranging in sale prices from \$980,000 to \$1,185,000 and in size from 3,686 to 4,569 square feet. After adjustments for differences in property characteristics, the sales ranged from \$1,018,100 to \$1,271,282. The witness gave most weight to Sales 1 and 2 and concluded to a value of \$1,100,000.

Ms. Kruml testified that she was able to complete a full inspection of the subject property. Based on her inspection she noted all deferred maintenance items and overall property condition. The witness testified that she gave consideration in her analysis for factors affecting the value. Ms. Kruml testified that she applied a \$75,000 downward adjustment to Sales 4 and 5 for the significant updating and superior condition at the time of sale. Sale 1 sold below the original list price and had been marketed for a longer time span because of personalized features considered to have a negative impact in the market. Ms. Kruml stated that she considered the lower selling price to offset an adjustment for condition and upgrades. No adjustments were made to Sales 2 and 3 because they were considered similar in condition and upgrades to the subject property at the time of sale.

Respondent requested the Board to uphold the assigned actual value of \$990,000 for the subject property for tax year 2017.

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

The Board finds Petitioner did not apply the necessary adjustments to her sales required by the market approach to value. The Board concludes Petitioner's requested value is not supported by the market approach and is not credible.

The Board finds Petitioner's argument credible that the subject property suffers from deferred maintenance and limited updating. The Board reviewed Petitioner's cost estimates and finds that Petitioner included costs for new upgraded kitchen appliances, three estimates for replacing the floors, window replacements, new kitchen cabinets, electrical rewiring, repairs for landscaping and bathrooms. The Board totaled Petitioner's estimates taking into consideration one of the three floor

estimates from Guy's Floor Service, Inc. and concluded to approximately \$67,753.65 which is below the \$75,000 adjustment made by Respondent. The Board finds that Respondent's adjustment is more than sufficient to account for the deferred maintenance and lack of updating.

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 differences in property characteristics. Ms. Kruml made a \$75,000 downward adjustment to Sales 4 and 5 for superior condition and updating. However, the Board is convinced that a similar adjustment is also warranted for Sales 1, 2 and 3. The Board applied Respondent's \$75,000 adjustment to Sales 1, 2 and 3 which resulted in a value range above the subject's assigned value.

### **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**



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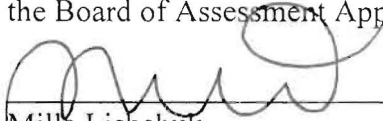
Gregg Near



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Debra A Baumbach

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



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Milla Lishchuk