

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>KORNELIJA ZGONC,</p> <p>v.</p> <p>Respondent:</p> <p>LARIMER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 75522</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on December 9, 2019, Debra A. Baumbach and Amy J. Williams presiding. Petitioner appeared pro se. Respondent was represented by Frank Haug, Esq. Petitioner is protesting the 2019 actual value of the subject property.

EXHIBITS

The Board admitted Petitioner’s Exhibit 1 and Respondent’s Exhibit A.

DESCRIPTION OF THE SUBJECT

Subject property is described as follows:

**7042 Ruidoso Dr., Windsor, CO
Larimer County Schedule No.: R1632127**

The subject property improvement was constructed in 2005 as a ranch home. The home consists of 2,284 square feet above grade and has a 2,223 square foot walk-out basement. The first floor has 15 foot ceilings. The site size is 9,887 square feet. The subject sold on April 7, 2016 for \$595,000. The location of the subject borders 100 acres of open space which overlooks the Highlands Meadows Golf Course to the north with views of the 12th hole.

PETITIONER'S PRESENTATION

Petitioner testified that in Larimer County, during 2016-2018 tax years, increase in prices for top-tier properties is not reflective of the sale prices of other lower-tier properties like the subject. According to Petitioner, she faces over \$30,000 in deferred maintenance costs including: mold remediation, new roof, new heaters and air conditioners. However, Petitioner did not provide any written estimates for the repair costs. Petitioner stated that her home has only two bedrooms. There used to be several small bedrooms in the basement that Petitioner has removed since her purchase of the subject. According to Petitioner, the view from the property consists of a drain used for flood control.

Petitioner presented a map of the six comparable properties she selected. She described similarities between the comparables and the subject, including the views and number of bedrooms and baths. Petitioner explained that none of her comparables were actual sales. Instead, the comparables were listings from 2019. The listing prices ranged from \$500,000 to \$675,000. Based on those comparables, she calculated that her property was worth \$605,000. She believed that her comparables accurately represent the Larimer market. Petitioner testified that in her opinion Respondent overvalued her home by \$100,000.

RESPONDENT'S PRESENTATION

Respondent called Kathy Thornton, Senior Appraiser with the Larimer County Assessor's Office as its first witness. She described the subject property and testified to the protest history by Petitioner. She assigned an "average plus" condition to the subject. According to the witness, Petitioner's property has superior view of a golf course and a fully finished walkout basement which Petitioner renovated in 2016. The subject is located at the back of the subdivision in a minimally-trafficked area.

The witness presented a sales comparison approach consisting of three comparable properties. Respondent included the April 7, 2016 sale of the subject as one of those three comparables. According to the witness, the sale of the subject is the most representative of the subject's value. All comparables are located in the same sub-division and all were assigned "average plus" condition. Respondent made adjustments for time of sale, square footage, view, walkout vs. daylight and age. The witness explained in detail how she calculated adjustments for walk out basements and time. After adjustments, the comparable properties ranged in sale prices from \$668,159 to \$699,066. Respondent concluded to the subject's value of \$699,000 for the subject property for tax year 2019 based on the sales comparison approach.

BURDEN OF PROOF

In a proceeding before the Board, the taxpayer has the burden of proof to establish, by a preponderance of evidence, that the assessor's valuation is incorrect. *Bd. of Assessment Appeals v. Sampson*, 105 P.3d 198 (Colo. 2005). Preponderance of the evidence refers to the evidence that is most convincing and satisfying in the controversy between the parties. *Batterberry v. Douglas Cty. Bd. of Equalization*, 16CA1490 (Colo. App. 2017). The evaluation of the credibility of the witnesses

and of the weight, probative value, and sufficiency of the evidence is solely within the fact-finding province of the BAA. *Bradford v. Chaffee Cty. Bd. of Equalization*, 12CA0927 (Colo. App. 2013).

THE BOARD'S FINDINGS AND CONCLUSIONS

Petitioner did not provide comparable sales to support its requested value. Rather, only listings were provided and the date of the listings was outside of the statutory data collection period. Respondent provided three comparable sales within Exhibit A, Respondent's appraisal, one being the sale of the subject. The three comparables sold between April of 2016 and April of 2017, for unadjusted sale prices ranging between \$560,000 and \$595,000. After adjustment, the sales indicated a value for the subject of \$699,066, \$692,966 and \$668,159, from which Ms. Thornton concluded to a value of \$699,000. By far, the largest adjustment made to each comparable was the time adjustment; said time adjustment ranging between \$50,000 and \$100,000. Respondent's appraisal did not provide data which concluded that sales in the subject's neighborhood supported the time adjustment as determined by the Larimer County Assessor's Office. However, the Board found the evidence and testimony of Respondent to be most credible as to the value issue at hand, and the limited evidence provided by Petitioner certainly failed to establish that the assessor's value was incorrect.

Summarily, the Board concludes that the preponderance of the evidence and testimony supports a value of \$699,000 for the subject property.

ORDER:

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.

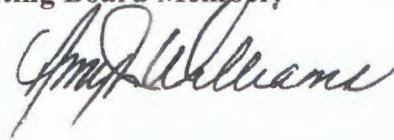
If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

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

DATED and MAILED this 31st day of December, 2019.

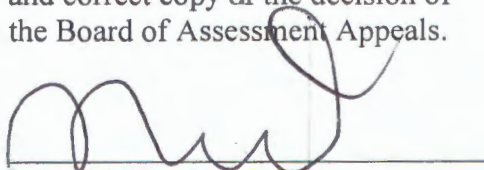
BOARD OF ASSESSMENT APPEALS:

Drafting Board Member;



Amy J. Williams

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



Milla Lishchuk

Concurring Board Member:



Debra A. Baumbach,
*concurring without modification pursuant to
Section 39-2-127(2), C.R.S.*

