


<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>VICTOR AND DIANE QUARATINO,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF COMMISSIONERS.</p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Victor Quaratino Address: 16788 West 69th Circle Arvada, Colorado 80007 Phone Number: (303) 420-1904 E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 40100</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on July 11, 2002, Debra A. Baumbach and Steffen A. Brown presiding. Petitioner appeared pro se. Respondent was represented by Lily W. Oeffler, Esq. Assistant Jefferson County Attorney.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**16788 West 69th Circle, Arvada, Colorado
(Jefferson County Schedule No. 412196)**

Petitioner is requesting an abatement/refund of taxes on the subject property for tax year 2001. The subject property, located in West Woods Ranch, consists of a two-story home built in 1998 of brick and frame construction containing 3,002 square feet of gross living area and a 1,804 square foot walkout basement.

ISSUES:

Petitioner:

Petitioner contends that the subject property is overvalued based on an appraisal done for a mortgage company dated January 26, 2001.

Respondent:

Respondent contends that the subject property was properly valued using the market approach.

FINDINGS OF FACT:

1. Petitioner, Mr. Victor A. Quaratino presented the appeal on his own behalf.
2. Based on the market approach, Petitioner presented an indicated value of \$525,000.00 for the subject property.
3. Petitioner presented three comparable sales ranging in sales price from \$445,000.00 to \$665,000.00 and in size from 2,978 to 3,470 square feet. After adjustments were made, the sales ranged from \$489,036.00 to \$612,202.00.
4. Petitioner is requesting a 2001 actual value of \$525,000.00 for the subject property.
5. Respondent's witness, Mr. David Michael King, a Licensed Appraiser with the Jefferson County Assessor's Office, presented an indicated value of \$550,000.00 for the subject property, based on the market approach.
6. Respondent's witness presented four comparable sales ranging in sales price from \$470,000.00 to \$665,000.00 and in size from 3,028 to 3,457 square feet. After adjustments were made, the sales ranged from \$520,000.00 to \$624,330.00.
7. Mr. King testified the subject area is exclusive and surrounded by the West Woods Golf Club. Homes are semi-custom to custom and of high quality.
8. Mr. King described the subject property as backing to the golf course and testified that all comparable sales backed to the golf course. Comparable Sale 2 is next door to the subject property; Comparable Sale 1 is next door to Comparable Sale 2; Comparable Sales 3 and 4 are close to the subject and are the most recent sales.
9. Mr. King testified that even though Petitioner's Comparable Sales 1 and 2 were outside the base period these sales were not located backing to the golf course and were not of the same quality as the subject.

10. Respondent assigned an actual value of \$539,630.00 to the subject property for tax year 2001.

CONCLUSIONS:

1. Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2001.

2. The Board reviewed Petitioner's appraisal dated January 26, 2001, even though it could not consider Comparable Sales 1 and 2 since they were outside of the base period. The Board notes; however, that Comparable Sale 3 is the same as Respondent's Comparable Sale 4 and the indicated value of both are similar.

3. The Board finds the Respondent's comparable sales most compelling since they are in the base period, similar in construction as the subject, all back to the golf course, consider size and time trending and the adjustments are supported by market sales and historical data.

4. After careful consideration of all the evidence and testimony presented, the Board affirms Respondent's assigned value of \$539,630.00.

ORDER:

The petition is denied.

APPEAL:

Petitioner may petition the Court of Appeals for judicial review within 45 days from the date of this decision.

If the Board recommends that this decision is a matter of statewide concern, or if it results in a significant decrease in the total valuation of the county, Respondent may petition the Court of Appeals for judicial review within 45 days from the date of this decision.

If the Board does not make the aforementioned recommendation or result of Respondent alleges procedural errors or errors of law by this Board, Respondent may petition the Court of Appeals for judicial review within 45 days from the date of this decision.

DATED and MAILED this 16th day of August, 2002.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach
Debra A. Baumbach

Steffen A. Brown
Steffen A. Brown

This decision was put on the record

AUG 15 2002

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

Penny S. Bunnell
Penny S. Bunnell

