

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

1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket Number: 41916

Petitioner:

**DOUGLAS J. APPELGATE AND CYNTHIA L.
APPELGATE,**

v.

Respondent:

DOUGLAS COUNTY BOARD OF EQUALIZATION.

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on May 19, 2005, Diane M. DeVries and Judee Nuechter presiding. Petitioner was represented by Ms. Rebecca R. Messal, Esq. Respondent was represented by Mr. Steven J. Dawes, Esq. Petitioners are protesting the 2003 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**12010 Spruce Mountain Road, Larkspur, Colorado
Douglas County Schedule Number R0397968**

The subject property is a single family ranch style dwelling built in 2002 with 2,432 square feet, a 2,432 square foot basement that is 75 percent finished and an oversized 3 car garage. The property is situated on 21 acres in Larkspur Meadows Subdivision.

ISSUES:

Petitioner:

Petitioners contend that their property was incorrectly valued by the Respondent by utilizing sales from superior and more affluent subdivisions within Douglas County.

Respondent:

Respondent contends that the subject property was correctly valued for tax year 2003. The Petitioners have utilized dissimilar comparable sales with subjective adjustments to arrive at a lower opinion of value.

FINDINGS OF FACT:

1. The comparable sales used by the Respondent in the valuation of the subject property were not optimal since properties in Bell Mountain Ranch and Keene Ranch have superior amenities. The Board applied a market adjustment for superior location and subdivision amenities to the Bell Mountain Ranch and Keene Ranch comparable sales used by the Respondent which resulted in adjusted values that support the Respondent's assigned value.

2. Mr. John L. Davis, a Certified General Appraiser with John L. Davis & Associates, Inc., presented an appraisal report he had completed during the base period for a financial institution. He presented three comparable sales ranging in sales price from \$600,000.00 to \$675,000.00 and in size from 1,370 to 3,456 square feet. After adjustments were made, the sales ranged from \$566,210.00 to \$717,925.00. The Board notes that the comparable sales were of dissimilar design and he did not make an adjustment for the differences in design nor did he apply a time trending adjustment to the comparable sales. As a test of reasonableness, the Board applied a time trend adjustment and a \$3,000 per acre site adjustment to the Petitioners' comparable sales. The adjusted values support the Respondent's assigned value.

3. Petitioners are requesting a 2003 actual value of \$650,000.00 for the subject property.

4. Respondent's witness, Mr. Larry Shouse, a Certified General Appraiser with the Douglas County Assessor's Office, presented an indicated value of \$750,000.00 for the subject property based on the market approach.

5. Respondent's witness presented three comparable sales ranging in sales price from \$637,100.00 to \$730,000.00 and in size from 2,294 to 2,529 square feet. After adjustments were made, the sales ranged from \$735,195.00 to \$811,035.00. An adjustment of \$3,000.00 per acre was assigned to the comparable sales based on the utility of the subject's surplus land.

6. Respondent assigned an actual value of \$730,000.00 to the subject property for tax year 2003.

CONCLUSIONS OF LAW:

1. Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued at \$730,000.00 for tax year 2003.

ORDER:

The petition is denied.

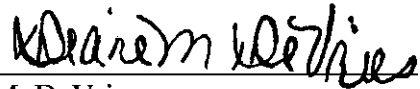
APPEAL:

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

If Respondent alleges procedural errors or errors of law by this Board, Respondent may petition the Court of Appeals for judicial review within 30 days from the date of this decision.

DATED and MAILED this 7th day of July 2005.

BOARD OF ASSESSMENT APPEALS



Diane M. DeVries



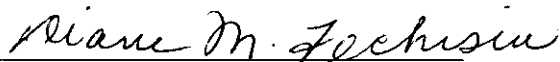
Judee Nuechter

This decision was put on the record

JUL 06 2005



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



Diane M. Fechisin