

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

1313 Sherman Street, Room 315
Denver, Colorado 80203

**Docket Nos.: 41928 and
43933**

Petitioner:

CARDER CONCRETE PRODUCTS,

v.

Respondent:

DOUGLAS COUNTY BOARD OF EQUALIZATION.

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on May 19, 2005, Karen E. Hart, Sondra W. Mercier, and MaryKay Kelley presiding. Petitioner was represented by Thomas Caradonna, Esq. Respondent was represented by Stephen Dawes, Esq. Petitioner is protesting the actual value of the subject property for tax years 2003 and 2004.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**Commercial Personal Property located at 8311 W. Carder Court,
Littleton, Colorado
(Douglas County Schedule No. P0369000)**

The subject property consists of furniture, fixtures, machinery and equipment.

FINDINGS OF FACT:

1. Docket Numbers 41928 and 43933 were consolidated for the purpose of this hearing.
2. Petitioner is requesting that the actual value of the subject property be reduced to \$4,648,440.00 for tax year 2003 and to \$4,658,991.00 for tax year 2004.

3. Petitioner's estimates of value are primarily based on the market approach, although the value of two items was based on the cost approach. Respondent relied on a state-approved cost estimating service to derive values of \$8,024,129.00 for tax year 2003 and \$7,365,110.00 for tax year 2004. Petitioner's estimates of value were more convincing because they included a thorough physical inventory; comparable market data based on manufacturers' sales, used equipment sales from dealers, private users and auctions; and functional and economic obsolescence.

4. Respondent's cost approach included a 10% to 17% adjustment for transportation, installation, and sales tax expenses. Petitioner's estimates of value did not include these expenses. Adjustments for transportation and installation expenses should have been applied to Petitioner's cost approach and to some items in the market approach. Sales tax is not applicable for roughly 1/5 of the items that exceed \$500.00 in value pursuant to §39-26-709 C.R.S. In recalculating the value of the subject property, the Board applied a 12% adjustment for transportation, installation and sales tax expenses.

5. Respondent assigned an actual value of \$6,185,735.00 for tax year 2003 and an actual value of \$5,002,080.00 for tax year 2004.

CONCLUSIONS OF LAW:

1. Sufficient probative evidence and testimony was presented to prove that the subject property was incorrectly valued for tax years 2003 and 2004.

2. The Board concluded that the actual value of the subject property should be reduced to \$5,206,257.00 for tax year 2003. The Board concluded that the actual value of the subject property should be \$5,218,070.00 for tax year 2004; however, pursuant to §39-8-108 (5)(a) C.R.S., the Board may not increase the value set by the Respondent.

ORDER:

Respondent is ordered to reduce the actual value of the subject property to \$5,206,257.00 for tax year 2003. The assigned value for tax year 2004 shall remain at \$5,002,080.00.

The Douglas County Assessor is directed to change his/her records accordingly.

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 8th day of July 2005.

BOARD OF ASSESSMENT APPEALS

Karen E Hart
Karen E. Hart

Sondra W. Mercier
Sondra W. Mercier

MaryKay Kelley
MaryKay Kelley

This decision was put on the record

JUL 08 2005

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

Penny S. Lowenthal
Penny S. Lowenthal

