

BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203	
Petitioners: EMIL J. & JOAN C. ROETHLISBERGER, v. Respondent: DOUGLAS COUNTY BOARD OF EQUALIZATION.	
Attorney or Party Without Attorney for the Petitioners: Name: Emil J. Roethlisberger Address: 8425 N. Sundown Trail Parker, Colorado 80134 Phone Number: (303) 840-9835	Docket Number: 42458
ORDER	

THIS MATTER was heard by the Board of Assessment Appeals on November 15, 2004, Debra A. Baumbach and Diane M. DeVries presiding. Petitioners were represented by Emil J. Roethlisberger, pro se.) Respondent was represented by Michelle B. Gombas, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

Lot 78 Butterfield, 5.00 A M/L
8425 North Sundown Trail, Parker, Colorado
(Douglas County Schedule No. R0232240)

Petitioners are protesting the 2003 actual value of the subject property, a two-story frame siding single-family residence with 2,773 square feet of finished living built in 1982. The subject is situated on 5 acres in Butterfield Subdivision. There are 1,956 square feet in attached and detached garages and an additional outbuilding of 640 square feet.

ISSUES:

Petitioners:

Petitioners contend that Respondent did not use the all of the sales that occurred within the subject subdivision during the applicable time period. The Petitioners do not believe that the Respondent made appropriate adjustments to the sales.

Respondent:

Respondent contends that the Respondent used three comparables most similar to the subject property and made appropriate adjustments based on the market. The Respondent applied the Division of Property Taxation Guidelines and Colorado Revised Statutes in valuing the subject property.

FINDINGS OF FACT:

1. Emil J. Roethlisberger, Petitioner, presented the appeal on behalf of the Petitioners.
2. Based on the market approach, Petitioners presented an indicated value of \$523,490.00 for the subject property.
3. After deleting sales 1, 8 and 11 from their sales grid, Petitioners presented eight comparable sales ranging in sales price from \$359,900.00 to \$656,000.00 and in size from 2,148 to 3,922 square feet. After adjustments were made, the sales ranged from \$398,147.00 to \$541,325.00. The Petitioner believes that the Respondent should have used more comparable sales in valuing the subject property rather than limiting the number of comparable sales to three.
4. Mr. Roethlisberger testified the subject property is located adjacent to a main arterial known as Sundown Trail. There is significant traffic influence and he believes a location adjustment is warranted. Furthermore, there are inaccuracies in the Respondent's appraisal report including degree of basement finish, heating and cooling systems, garage space, square footage, number of fireplaces and exterior finish. The Petitioners believe they have 1,350 square feet of finished basement not 1,515 square feet, forced air heating with no air conditioning while the Respondent states there is air conditioning, 1,308 square feet of garage plus an additional outbuilding of 648 square feet was added (which he believes was not completed on the appraisal date), two fireplaces not one fireplace, and the exterior finish is cedar, partial brick and shake shingles.
5. The Respondent has not properly considered all the deficiencies of the subject property. The Petitioners believes that had they had a better working relationship with the Respondent, they would have pointed out 7-foot ceiling height in the basement and two foot doorway access into bathrooms.

6. Adjustments made by the Respondent are not adequate based upon the cost figures supplied by the builder. The Respondent utilized \$50.00 per square foot for gross living area and \$16.00 per square foot for basement area with \$24.00 for finish area. Petitioner derived his adjustment calculations on his sales from cost figures supplied by the builder and from a previous appraisal done at the time of purchase. The cost estimate per square foot ranged from \$75.00 to \$90.00. The indicated range for basement area was \$60.00 to \$75.00 per square foot.

7. Petitioners are requesting a 2003 actual value of \$523,490.00 for the subject property.

9. Respondent's witness, Mike Shafer, Certified Residential Appraiser for the Douglas County Assessor's Office, presented an indicated value of \$650,000.00 for the subject property, based on the market approach.

10. Respondent's witness testified that the Petitioners denied access to the subject property so he made his appraisal on existing county records and physically driving by the subject property. He presented three comparable sales ranging in sales price from \$579,000.00 to \$656,000.00 and in size from 2,995 to 3,506 square feet. After making appropriate adjustments for age, square footage, basement finish, bathrooms, heating, and outbuildings, the sales ranged from \$650,231.60 to \$673,139.00. He testified that he made his adjustments based on market data during the statutory time period and through paired sales analysis.

11. Mr. Shafer testified that, based on his observations during his physical inspection, he did not believe that a traffic adjustment was warranted.

12. Respondent assigned an actual value of \$620,000.00 to the subject property for tax year 2003.

CONCLUSIONS:

1. Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2003.

2. The Board determined that the Respondent chose three comparable sales most comparable to the subject property. Due to the subject property's characteristics, the Respondent's witness is required to use sales most similar to the subject property and make appropriate adjustments. The Board agrees with the Respondent's adjustments. The adjustments were based upon market extraction derived from market data and paired sales analysis.

3. The Board does not agree with the adjustments made by the Petitioners. Many of the adjustments were found to be excessive. The Petitioners used actual cost figures in arriving at adjustment calculations. Adjustment calculations in the market approach are based upon what a typical buyer will pay for the differences. Those adjustments are based upon market data from the

subject's market area as well as paired sales analysis. In a home that is new construction or has high costs attributed to repairs needed, then actual cost figures may be applicable. Even taking into account the discrepancies of the Petitioners the 2003 actual value assigned by the Respondent more than adequately adjusts for these discrepancies. The Respondent's appraisal derives a value of \$650,000.00 while the 2003 actual assigned value is \$620,000.00.

4. The Respondent properly valued the subject property using applicable Colorado Revised Statutes and the Division of Property Taxation Guidelines. As a test of reasonableness, the Board adjusted the Petitioner's comparables sales using the Respondent's adjustment figures. The adjusted value supports the Respondent's 2003 conclusion of value.

5. The Board affirms the 2003 actual value of \$620,000.00.

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 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 30th day of December, 2004.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach
Debra A. Baumbach

Diane M. DeVries
Diane M. DeVries

This decision was put on the record

DEC 29 2004

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

Diane M. Fechisin
Diane M. Fechisin

