

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioners:</p> <p><b>THOMAS M. AND CINDY L. TRELOAR,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>BOULDER COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 46244</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on January 11, 2007, Debra A. Baumbach and Sondra W. Mercier presiding. The Petitioners appeared pro se. Respondent was represented by Michael A. Koertje, Esq. Petitioners are protesting the 2005 actual value of the subject property.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**1821 Little Bear Court, Longmont, Colorado  
Boulder County Schedule No. R0115688**

The subject is a two-story single family residence with 2,930 square feet above grade, plus a 1,652 square foot basement. The subject dwelling was built in 1998 on a 12,652 square foot lot.

Petitioners purchased the subject in August 2003, within the base period, for \$413,000.00. Petitioners are requesting a 2005 actual value of \$384,000.00 for the subject property. Respondent assigned an actual value of \$416,500.00.

Petitioners presented three comparable sales ranging in sales price from \$310,000.00 to \$370,000.00, all located in the Spring Valley Subdivision, just east of the subject subdivision. No adjustments were made to any of Petitioners' comparable sales to reflect differences in physical characteristics.

Petitioners contend that \$15,000.00 in personal property (primarily home theater electronics and furniture) was included in the purchase price of the subject property. However, at the time of purchase, Petitioners signed a Real Property Transfer Declaration form (TD-1000) indicating that \$500.00 in personal property (appliances) was included in the purchase price. The purpose of the TD-1000, shown at the top of the form, reads as follows:

“The Real Property Transfer Declaration (TD-1000) provides essential information to the county assessor to help ensure fair and uniform assessments for all property for property tax purposes. Refer to 39-14-102(4), Colorado Revised Statutes.”

Petitioners contend that the Respondent should have considered Petitioners’ comparable sales and made an adjustment for the \$15,000.00 in personal property included in the purchase price.

Respondent’s Appraiser, Samuel Forsyth, testified that he requested, but was not allowed to perform an interior inspection of the subject property. The Respondent presented three comparable sales ranging in sales price from \$350,000.00 to \$360,000.00. All of Respondent’s comparable sales are located within the subject subdivision.

Based on MLS data at the time of sale, an interview with the listing agent, and photos from MLS, the subject was determined to have numerous upgrades, including granite floors, upgraded maple cabinets, upgraded appliances, granite countertops and a 5-piece marble accent bath area. A \$32,000 adjustment was made to all three sales to reflect the inferior interior finishes of Respondent’s comparable sales.

After adjustments, Respondent’s comparable sales indicated a range of \$418,245.00 to \$422,540.00. Respondent concluded to an indicated value of \$420,000.00 based on the sales comparison Approach.

Respondent appropriately relied on the TD-1000 signed by the Petitioner at the time of sale which indicated that \$500.00 in personal property was included in the purchase price. Respondent’s comparable sales are located within the subject’s neighborhood and the adjustments made to the sales were substantiated. While sizable adjustments were made for the subject’s superior quality compared to the comparable sales, Petitioners provided no evidence to dispute the quality of the interior finish of the subject. The Board was convinced that the subject is of superior quality compared to the comparable sales through photos and information provided by the Respondent. While Petitioners’ sales are geographically near the subject, all are outside the subject’s immediate subdivision and are clearly inferior based on exterior quality alone.

Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2005.

**ORDER:**

The appeal is denied.

**APPEAL:**

**APPEAL:**

Petitioners 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 8<sup>th</sup> day of February 2007.

**BOARD OF ASSESSMENT APPEALS**

Debra A. Baumbach  
Debra A. Baumbach

Sondra W. Mercier  
Sondra W. Mercier

This decision was put on the record

FEB 07 2007

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

