

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioners:</p> <p>GARY T. & SUSAN A. WILHELM,</p> <p>v.</p> <p>Respondent:</p> <p>ARAPAHOE COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 47937</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on September 2, 2008, Karen E. Hart and Diane M. DeVries presiding. Gary Wilhelm appeared pro se for Petitioners. Respondent was represented by George Rosenberg, Esq. Petitioners are protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**Lot 3 Blk 1 Stage Run 1st Flg
7984 South Newbern Circle, Aurora, Colorado
(Arapahoe County Schedule No. 2071-32-4-01-003)**

The subject property is a two-story, brick-trim, very good quality house built in 1989 with 2,476 square feet above grade, 704 square feet of basement with 318 square feet finished, a three-car garage, and walkout basement through the garage. There are three bedrooms and three baths above grade and one-half bath below grade. The property is located on 1.956 acres of land.

Petitioners indicated that Respondent did not make adequate adjustments for differences between the subject property and the comparable sales used by Respondent.

Petitioners offered a list of sales from High Plains County Club, Tallyn’s Reach, Blackstone, and Beacon Point subdivisions. In this list there were sales that occurred beyond the base period of January 1, 2005 to June 30, 2006 that the Board gave no weight. Petitioners made no adjustments for

time and physical characteristics. Based on these raw sales Petitioners derived a value for the subject property of \$443,300.00

Petitioners are requesting a 2007 actual value of \$443,300.00 for the subject property.

Respondent presented an indicated value of \$543,500.00 for the subject property based on the market approach.

Respondent presented four comparable sales ranging in sales price from \$520,000.00 to \$787,000.00 and in size from 2,227 to 3,778 square feet. After adjustments were made, the sales ranged from \$512,500.00 to \$556,517.00. Adjustments were made for time, design, size, basement finish, garage, fireplace, air-conditioning/heating, view, and walkout basements.

Respondent's witness indicated that the comparable sales that were used were located in Stage Run and Sierra Vista Estates subdivisions. Other subdivisions were discussed; however, Respondent's witness believed that the other subdivisions were not comparable to the subject property. The lots were smaller and not comparable to the subject's very good quality subdivision.

Respondent assigned an actual value of \$543,500.00 to the subject property for tax year 2007.

Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2007.

The Board determined that Respondent properly applied the Colorado State Constitution and Colorado Revised Statutes in valuing the subject property. The comparable sales approach was used in valuing the subject property and proper adjustments were applied to the comparable sales. Petitioners provided raw sales and arrived at the median value. No adjustments were applied to these sales. The Board agrees with Respondent that Petitioners' sales were in subdivisions that are not comparable to the subject property. For these reasons, the Board affirms the value placed on the subject property by Respondent of \$543,500.00.

ORDER:

The petition is denied.

APPEAL:

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of CRS § 24-4-106(11) (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the Respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of CRS § 24-4-106(11) (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

CRS § 39-8-108(2) (2008).

DATED and MAILED this 25th day of September 2008.

BOARD OF ASSESSMENT APPEALS

Karen E Hart

Karen E. Hart

Diane M DeVries

Diane M. DeVries

This decision was put on the record

SEP 25 2008

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

Heather Flannery
Heather Flannery

