

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

1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 48981

Petitioner:

**B. DONALD AND LOIS J. BOYDSTON 1980 LIVING
TRUST,**

v.

Respondent:

**JEFFERSON COUNTY BOARD OF
EQUALIZATION.**

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on May 13, 2008, Diane M. DeVries and MaryKay Kelley presiding. Petitioners were represented by B. Donald Boydston, trustee. Respondent was represented by James Burgess, Esq. Petitioner is protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**7070 West Arlington Drive, Lakewood, Colorado
(Jefferson County Schedule No. 423095)**

The subject is a 1,835 square foot ranch built in 1997 in Belmont Shores of the Villages at Raccoon Creek. Respondent assigned a value of \$380,000.00 for tax year 2007. Petitioner is requesting a value of \$340,000.00.

Based on the market approach, Petitioner presented an indicated value of \$293,374.00 for the subject property. Petitioner presented four comparable sales ranging in sales price from \$287,000.00 to \$304,600.00 and in size from 1,908 to 1,972 square feet. The sales, all duplex-style two-stories, are newer, larger, and located across Bowles Reservoir within two miles of the subject. After adjustments were made, the sales ranged from \$280,399.00 to \$306,611.00. Petitioner derived the indicated value of \$293,374.00 by averaging the adjusted sales prices.

Petitioner compared the average adjusted sales price of his four sales (\$293,374.00) to the average of the actual values for the same properties (\$298,938.00) and noted that the average actual value of Respondent's comparable sales is considerably higher (\$365,440.00).

Petitioner reported the following physical problems in Belmont Shores: cracked and settled driveways, sidewalks, garage floor, and porches caused by expansive soils; water leaks resulting in wood rot of untreated lumber. Petitioner contends these problems were not present in Heron Shores where two of Respondent's comparable sales were located. Belmont Shores homeowners have spent up to \$30,000.00 on related repairs. The requested value of \$340,000.00 is the impact from these physical problems to Respondent's assigned value.

Based on the market approach, Respondent presented an indicated value of \$380,000.00 for the subject property. Respondent presented three comparable sales ranging in sales price from \$357,900.00 to \$385,000.00 and in size from 1,848 to 2,033 square feet. All are located in the subject subdivision within two blocks of the subject, one in Belmont Shores and two in Heron Shores, both sub-markets by different builders in the Villages at Raccoon Creek. After adjustments were made the sales ranged from \$372,900.00 to \$396,100.00.

The Board considers Respondent's comparable sales more representative of the subject property. They are detached construction, which is more similar than duplex-style construction which appeals to a different buyer. They are in closer proximity and have greater similarity in size and age.

Construction defects appear to be common to the neighborhood and are likely to have been reflected in sales prices of Respondent's comparables. The Board is not convinced that additional adjustments are warranted.

Actual values of the subject and other properties do not provide sufficient detail for comparison. Comparison of arm's-length transactions is considered the best indicator of value for the subject property.

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

ORDER:

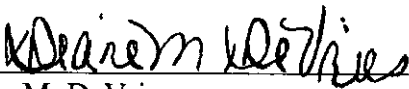
The petition is denied.

APPEAL:

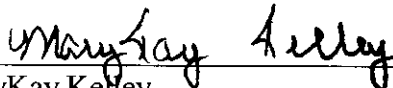
If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Colorado Revised Statutes (“CRS”) section 24-4-106(11) (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered). Colo. Rev. Stat. § 39-8-108(2) (2007).

DATED and MAILED this 28th day of May 2008.

BOARD OF ASSESSMENT APPEALS



Diane M. DeVries

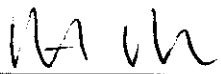


MaryKay Kelley

This decision was put on the record

MAY 28 2008

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



Heather Heinlein

