

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>LAURA M. CAVEY,</p> <p>v.</p> <p>Respondent:</p> <p>DOUGLAS COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 49365</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on February 2, 2009, Debra A. Baumbach and Lyle D. Hansen presiding. Petitioner was represented by her husband, Chad Cavey. Respondent was represented by Robert D. Clark, Esq. Petitioner is protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**3186 Falling Star Place, Castle Rock, Colorado
Douglas County Account No. R0450497**

The subject is a two-story frame single-family residence constructed in 2006. The residence has total of 3,260 square feet of gross living area above grade and a total of 1,209 square feet in an unfinished basement. The residence has four bedrooms, four and one-half baths, a three-car garage, one fireplace, and 200 square feet of porch area. The residence is situated on a 0.31-acre site.

Petitioner presented an indicated value of \$325,475.15 for the subject property.

Through testimony, Mr. Cavey presented two comparable sales ranging in sales price from \$323,500.00 to \$327,300.00. Petitioner presented no information on the property descriptions but stated that one sale was identical to his property and that the other sale was comparable to his property. After adjustments were made, the sales ranged from \$298,532.00 to \$320,728.00. Petitioner did not exchange documentation on these comparable sales with the Board or Respondent,

therefore the information did not meet the Board's Rule 11 deadline, and Respondent objected to the submission. The Board acknowledged Respondent's objection and proceeded to permit testimony on the comparable sales with the caveat that the sales would be given the weight the Board considered appropriate.

Mr. Cavey testified that the Douglas County Assessor had incorrect information on gross living area and basement area of the subject property. He also testified that the Assessor had incorrectly described the interior of the residence as having carpet and upgraded flooring which it does not have.

Petitioner is requesting a 2007 actual value of \$325,475.15 for the subject property.

Respondent presented an indicated value of \$350,000.00 for the subject property based on the market approach.

Respondent presented four comparable sales ranging in sales price from \$312,800.00 to \$393,200.00 and in size from 3,056 to 3,262 square feet. After adjustments were made, the sales ranged from \$307,543.00 to \$364,678.00.

Respondent's appraiser, Mr. Larry Shouse, Certified General Appraiser with the Douglas County Assessor's Office, testified that he attempted to gain an interior inspection but was unable to do so. He testified that he relied upon Douglas County Assessor records in stating that the subject had carpet and upgrade flooring. He further testified that an adjustment for the difference in upgrades in flooring would fall in a range of \$5,000 to \$15,000.

Respondent assigned an actual value of \$360,000.00 to the subject property for tax year 2007, but is recommending a reduction to \$350,000.00.

Mr. Cavey testified that the gross living area is 3,185 square feet and not 3,260 square feet as indicated by the Douglas County Assessor. Mr. Cavey testified that the basement area is 1,190 square feet and not 1,209 square feet as indicated by the Douglas County Assessor. The difference in gross living area between Petitioner's and Respondent's figures is 75 square feet. The difference in basement area is 19 square feet. The Board concludes that the difference in the square footage figures were not significant enough to affect the final value conclusion.

Sufficient probative evidence and testimony was presented to prove that the subject property was incorrectly valued for tax year 2007.

The Board accepts Respondent's comparable sales as being representative of the subject property. The Board concludes that Respondent's adjustments were reasonable. The Board was not presented with sufficient details of Petitioner's comparable sales in order to determine if Petitioner's sales were comparable to the subject property or if Petitioner's adjustments were reasonable; information on the comparable sales was not exchanged with Respondent. Therefore, the Board gives little weight to Petitioner's comparable sales.

The Board agrees with Respondent that since no interior inspection was accomplished, and Respondent was not aware of the fact that no carpet or floor upgrades existed, the assigned value should be reduced to the appraised value of \$350,000.00.

The Board concludes that the 2007 actual value of the subject property should be reduced to \$350,000.00.

ORDER:

Respondent is ordered to reduce the 2007 actual value of the subject property to \$350,000.00

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

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 10th day of March 2009.

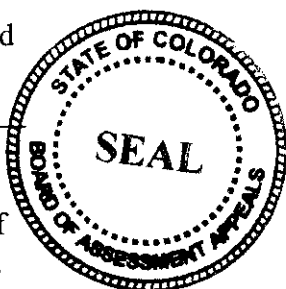
BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach
Debra A. Baumbach

Lyle D. Hansen
Lyle D. Hansen

This decision was put on the record

MAR 10 2009



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

Heather Flannery
Heather Flannery