

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>ROBERT AND SHARON SWANSON,</p> <p>v.</p> <p>Respondent:</p> <p>DOUGLAS COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 49383</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. Petitioners appeared pro se. Respondent was represented by Robert D. Clark, Esq. Petitioners are protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**4538 Ginger Court, Castle Rock, Colorado
Douglas County Account No. R0445004**

The subject is a two-story wood frame single-family residence constructed in 2005. The residence has a total of 2,002 square feet of gross living area above grade with a total of 842 square feet in an unfinished basement. There are three bedrooms, two and one-half baths, a two-car garage, one fireplace, and 173 square feet of porch area. The residence is situated on a 0.13-acre site.

Petitioners presented an indicated value of \$264,490.00 for the subject property.

Petitioners presented ten comparable sales ranging in sales price from \$290,300.00 to \$385,800.00. The ten comparable sales are all located in the immediate area of the subject property, and the subject and all of the comparable sales sold within the same six-month period. All ten comparable sales were constructed by Capitol Pacific Homes. Petitioners accomplished no

adjustments to the comparable sales. Petitioners presented no appraisal to support the opinion of market value.

Petitioners contend there are inequities in equalization of Douglas County Assessor's assigned values. Petitioners compared the assigned value on the subject property to the assigned values placed on Petitioners' ten sales.

"The actual value of residential real property shall be determined solely by consideration of the market approach to appraisal." CRS § 39-1-103(5)(a). The market approach considers sales of comparable properties. The Board can consider an equalization argument, or comparison of assigned values, when evidence or testimony is presented which shows that the assigned values of the equalization comparables were derived by application of the market approach to value. Since that evidence and testimony was not presented, the Board gave little weight to Petitioners equalization argument to dispute the assigned value.

Petitioners are requesting a 2007 actual value of \$264,490.00 for the subject property.

Respondent presented an indicated value of \$300,000.00 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sales price from \$295,900.00 to \$315,800.00 and in size from 2,002 to 2,191 square feet. After adjustments were made, the sales ranged from \$299,644.00 to \$310,604.00. Comparable Sales 1 and 2 were located in the same block as the subject and Comparable Sale 3 was located in the same residential subdivision. Comparable Sale 1 is the same floor plan design as the subject.

Respondent assigned an actual value of \$285,523.00 to the subject property for tax year 2007.

The Board finds Respondent's comparable sales more representative of the subject property. Petitioners did not provide the Board with details of the ten comparable sales presented in order for the Board to make adjustment for any differences. Respondent's Comparable Sales 1 and 2 were also used by Petitioners.

Respondent's witness, Larry Shouse, Certified General Appraiser with the Douglas County Assessor's Office, noted two errors in the adjustment grid of his appraisal. Mr. Shouse indicated that the subject has two GFA/AC units rather than one, and Comparable Sale 1 has a three-car garage rather than two garage spaces. Mr. Shouse also testified that these corrections change the adjusted sale price range for the three comparable sales to \$298,604.00 to \$310,104.00 but do not change the concluded market value of \$300,000.00.

The Board concludes that the adjustments and the corrections accomplished on Respondent's three comparable sales were appropriate in reflecting the differences between the subject and the comparable sales.

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 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

