

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>JOHN H. CULLINAN,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>DENVER COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 49438</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on February 25, 2009, Diane M. DeVries and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by Eugene Kottenstette, Esq. Petitioner is protesting the 2007 actual value of the subject property.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**6700 West Dorado Drive, Unit 34, Denver, Colorado  
(Denver County Schedule No. 09145-05-020-000)**

The subject property is a 2,568-square-foot residence with unfinished basement and garage on a 6,050-square-foot interior lot. It is located in the gated Dorado Greens community of 59 homes within the larger 1500-home Grant Ranch.

Respondent assigned an actual value of \$498,600.00 for tax year 2007. Petitioner is requesting a value of \$440,000.00.

Petitioner did not present a market approach to value, rather commenting on Respondent's comparable sales: Sale 1 enjoys an elevated site with superior views and has fewer upgrades (oak cabinets in comparison with the subject's hickory, no center kitchen island); Sale 2's site, without through traffic, has golf course, park, and mountain views in the distance; and Sale 3 has superior

upgrades (granite counters, hardwood flooring). The requested value of \$440,000.00 reflects his opinion based on related adjustments to Respondent's sales.

Respondent presented an indicated value of \$500,000.00 for the subject property based on the market approach. The witness presented three comparable sales within the subject's gated community ranging in sales price from \$465,000.00 to \$530,000.00 and in size from 1,918 to 2,568 square feet. After adjustments were made, the sales ranged from \$480,910.00 to \$506,247.00.

Respondent's witness disagreed with Petitioner about view premiums for Sales 1 and 2 and described the subject's kitchen as upgraded with hickory cabinets and center island, thereby applying no adjustments for upgrades to any of the sales.

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

The Board agrees with both parties that Sale 2 carries the greatest weight because it is the same floor plan as the subject. The Board considers Respondent's basement finish adjustment at \$10.00 per square foot insufficient, is convinced by Petitioner's photographs that a view premium exists, and thus concludes to an adjusted value for Sale 2 of \$485,000.00. With consideration given to comments from both parties regarding view and upgrades for Sales 2 and 3, they support a value of \$485,000.00.

The Board concludes that the 2007 actual value of the subject property should be reduced to \$485,000.00.

### **ORDER:**

Respondent is ordered to reduce the 2007 actual value of the subject property to \$485,000.00.

The Denver County Assessor is directed to change his 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.

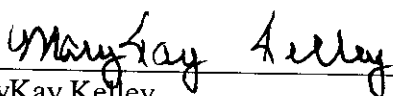
If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

CRS § 39-8-108(2) (2008).

**DATED and MAILED** this 18<sup>th</sup> day of March 2009.

**BOARD OF ASSESSMENT APPEALS**

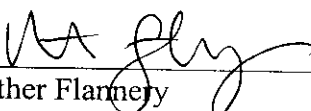
  
\_\_\_\_\_  
Diane M. DeVries

  
\_\_\_\_\_  
MaryKay Kelley

This decision was put on the record

**MAR 18 2009**

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

  
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Heather Flannery

