

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>SUSAN & JEFFRY STRAUSS,</p> <p>v.</p> <p>Respondent:</p> <p>ARAPAHOE COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 51705</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on April 8, 2010, Diane M. DeVries and Sondra W. Mercier presiding. Petitioner, Susan Strauss, appeared pro se. Respondent was represented by George M. Rosenberg, Esq. Petitioners are protesting the 2009 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**10 Windover Road, Greenwood Village, Colorado
(Arapahoe County Schedule No. 2077-14-2-16-001)**

The subject is an 8,194 square foot single family residence that was completed in 2005. It is located on a 1.58 acre lot.

Based on the market approach, Petitioners presented an indicated value of \$2,670,000.00 for the subject property.

Petitioners presented twelve comparable sales ranging in sales price from \$1,260,000.00 to \$2,865,000.00 and in size from 4,061 to 6,845 square feet. Petitioners made no adjustments to the comparable sales.

Petitioners contend that the subject is the largest in the neighborhood resulting in functional obsolescence of 10%. Petitioners contend that Respondent relied on sales with more features (such as an elevator) that were located in superior neighborhoods without making adjustments. Ms. Strauss testified that the subject was built over a period of years and includes average interior finishes compared to other homes in the neighborhood. Ms. Strauss questioned the quality grade assigned to the subject by Respondent compared to the comparable sales used by both parties. Petitioners indicated that the subject's assigned land value, at \$800,000.00, was well in excess of the value placed on other lots in the neighborhood.

Petitioners calculated the value of the subject in two ways, first based on the average price of the eight most comparable properties less 10% for functional obsolescence. Secondly, Petitioners applied an overall average from all twelve sales less 10% for functional obsolescence. These two methods were averaged, resulting in an indicated value of \$2,670,000.00, rounded.

Petitioners are requesting a 2009 actual value of \$2,670,000.00 for the subject property.

Respondent presented an indicated value of \$3,900,000.00 for the subject property based on the market approach.

Respondent's witness, Merry Fix, presented three comparable sales ranging in sales price from \$2,400,000.00 to \$4,500,000.00 and in size from 6,252 to 7,677 square feet. After adjustments were made, the sales ranged from \$3,414,480.00 to \$4,255,200.00. Adjustments were made for date of sale, difference in lot value, design, construction type/quality, year of construction, square footages, and patio area. Lot size was adjusted based on the difference in the land value assigned by the Assessor for the subject and the comparable sales.

As rebuttal evidence, Respondent applied similar adjustments to ten of Petitioners' comparable sales which indicated a range of \$2,778,438.00 to \$3,315,715.00. Respondent contends that net adjustments to Petitioners' sales were 17% to 145% of the purchase price and were therefore not reliable as an indicator of value.

Respondent assigned an actual value of \$3,314,900.00 to the subject property for tax year 2009.

Petitioners presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2009. The Board is convinced that Respondent's valuation of the subject site was based on the number of lots and not the acreage size. This resulted in large adjustments to the comparable sales based on the Assessor's values for each site rather than specific market data related to site size. Eliminating the adjustment for site size results in a range in value of \$3,114,880.00 to \$4,055,200.00 based on Respondent's sales. Net adjustments to Respondent's sales range from negative 13% to 30% without the adjustment for site size.

The Board reduces the adjustment to Petitioners' sales in the same fashion. The resulting indicated range is \$2,378,438.00 to \$3,015,715.00; however, the net adjustments range from 6% to over 100%. The Board agrees with Respondent's contention that large adjustments do not provide

reliable results. Therefore, the Board only gives weight to Petitioners' sales with net adjustments of 30% or less, resulting in an indicated range of \$2,639,825.00 to \$3,015,715.00.

Giving weight to the most reliable sales provided by the parties, results in a Board adjusted range of \$2,639,825.00 to \$4,055,200.00 with an average of \$3,180,000.00, rounded.

The Board concludes that the 2009 actual value of the subject property should be reduced to \$3,180,000.00.

ORDER:

Respondent is ordered to reduce the 2009 actual value of the subject property to \$3,180,000.00.

The Arapahoe 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 Section 24-4-106(11), C.R.S. (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 Section 24-4-106(11), C.R.S. (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.

Section 39-8-108(2), C.R.S.

DATED and MAILED this 12th day of May 2010.

BOARD OF ASSESSMENT APPEALS

Diane M. DeVries
Diane M. DeVries

Sondra W. Mercier
Sondra W. Mercier

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

Heather Flannery
Heather Flannery

