

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>THOMAS M. & CHRISTINE M. CONNER,</p> <p>v.</p> <p>Respondent:</p> <p>ARAPAHOE COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 51794</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on May 7, 2010, James R. Meurer and Diane M. DeVries presiding. Thomas M. Conner appeared pro se for Petitioners. Respondent was represented by George Rosenberg, Esq. Petitioners are protesting the 2009 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**23900 East Easter Place, Aurora, Colorado
(Arapahoe County Schedule No. 2071-30-2-03-017)**

The subject property is a single family residence located in Tallyn’s Reach Subdivision, Filing 8, within the City of Aurora. The property is south of East Arapahoe Road between South Aurora Parkway on the east and Gartrell Road on the west. The subject property is on East Easter Place, a cul-de-sac. On the north side of East Easter Place there are ten homes built and lived in. On the south side there is only the subject property and one other house that is next door; there are eight vacant lots. The subject side of the street backs to open space and it runs up hill to some trees. There will never be any homes built directly behind the subject.

The subject residence is of frame construction with a little stone on the front. It was completed in 2007. It has 1,852 square feet of living area, with 1,815 square feet of basement area, and 1,361 square feet of basement finish. The home has three bathrooms and three fireplaces. The

subject was purchased during base period of January 1, 2007 through June 30, 2008 on June 26, 2007 for \$448,900.00.

Based on the market approach, Petitioners presented an indicated value of \$365,000.00 for the subject property.

Petitioners presented five comparable sales ranging in unadjusted sales price from \$325,000.00 to \$428,000.00 and in size from 1,544 to 1,852 square feet. All five comparable sales are within the same cul-de-sac as the subject. Three of the comparable sales are across the street from the subject and back to East Arapahoe Road. Two of the sales including the subject and the property adjacent to the subject are on the south side of East Easter Place and back to the open space.

Petitioners also presented Arapahoe County Assessor's assigned valuations placed on comparable sales used by parties.

Petitioners are requesting a 2009 actual value of \$365,000.00 for the subject property.

Respondent presented an indicated value of \$430,000.00 for the subject property based on the market approach and is recommending that the Board reduce the 2009 actual valuation.

Respondent presented four comparable sales ranging in sales price from \$365,000.00 to \$470,000.00 and all comparable sales are 1,852 square feet. After adjustments were made, the sales ranged from \$414,978.00 to \$442,000.00.

Respondent adjusted sales for time, site/location/view, basement finish, covered patio, patio, fireplaces, and walkout basement. Net adjustments ranged from 6% to 16%.

Respondent assigned an actual value of \$435,000.00 to the subject property for tax year 2009. Respondent recommends a 2009 actual valuation of \$430,000.00.

Petitioners presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2009.

The Board determines that three of the comparable sales used by Petitioners and two of the comparable sales used by Respondent are on the north side of East Easter Place and back to East Arapahoe Road. Petitioners did not make any adjustments to their sales while Respondent made adjustments based on applicable Colorado Revised Statutes and Division of Property Taxation guidelines. The Board believes that Respondent properly applied a location adjustment to sales on the north side of East Easter Place.

Respondent is required to use sales that occur within the eighteen-month data gathering period of January 1, 2007 through June 30, 2008. The sale of the subject property occurred within the data gathering period. Petitioners paid \$448,900.00 on June 26, 2007. Respondent used the sale of the subject property as well as three other sales on the same street and three sales of the same

model as the subject in valuing the subject property. Respondent made applicable adjustments to bring the sales to a June 30, 2008 level of value.

The Board gives limited weight to the equalization approach to value the subject property for property tax purposes. The sales comparison approach presented by Respondent provides convincing evidence for the Board to determine value of subject property.

Based on the range of Respondent's comparable sales, the Board believes that Comparable Sale 4 has a walkout basement which enhances the view of that comparable. This sale is adjacent to the subject and on the south side of East Easter Place. Therefore, the Board believes an additional adjustment is warranted.

The Board concludes that the 2009 actual value of the subject property should be reduced to \$420,000.00.

ORDER:

Respondent is ordered to reduce the 2009 actual value of the subject property to \$420,000.00.

The Arapahoe 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 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.

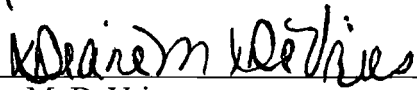
Section 39-8-108(2), C.R.S.

DATED and MAILED this 8th day of July 2010.

BOARD OF ASSESSMENT APPEALS

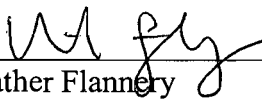


James K. Meurer



Diane M. DeVries

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



Heather Flannery

