

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**

1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 52539

Petitioner:

STEVEN K. & L. VICTORIA HUNT,

v.

Respondent:

**ARAPAHOE COUNTY BOARD OF
COMMISSIONERS.**

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on September 20, 2010, James Meurer and Diane M. DeVries presiding. Petitioners were represented by their agent, Mills H. Ford. Respondent was represented by George Rosenberg, Esq. Petitioners are protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**4900 East Progress Court, Greenwood Village, Colorado
Arapahoe County Schedule No. 2075-18-1-10-007**

The subject property is a stucco two-story single family resident built in 1995, which has 3,801 square feet, including a 2,159 square foot basement of which 1,901 square feet are finished. It has a 758 square foot garage.

Petitioners are requesting an actual value of \$1,125,000.00 for the subject property for tax year 2009. Respondent assigned a value of \$1,354,000.00 for the subject property for tax year 2009.

Petitioners' witness, Mills H. Ford, Certified General Appraiser, presented five comparable sales ranging in sale price from \$1,590,000.00 to \$1,947,000.00 and in size from 3,020 to 5,227 square feet. After adjustments were made, the sales ranged from \$1,079,391.00 to \$1,185,207.00.

Mr. Ford made a negative 25% lot adjustment due to the commercial type steel buildings near the south property line of the subject property. The subject property has physical deficiencies caused by expansive soils, to the basement slab, garage slab, and entire concrete driveway. Further the subject property suffers from interior water damage caused by reoccurring defective concrete roof tiles and soffit, cap and gutter design, and construction.

Mr. Ford made time adjustments ranging from a negative 14.76 percent to a positive 13.8 percent.

Respondent presented a value of \$1,430,000.00 for the subject property based on the market approach.

Respondent's witness, Rob W. Roy, Certified General Appraiser, presented three comparable sales ranging in sale price from \$1,590,000.00 to \$1,880,000.00 and in size from 4,061 to 4,826 square feet. After adjustments were made, the sales ranged from \$1,428,172.00 to \$1,538,984.00.

Witness made a physical inspection of the subject property with Petitioners' witness. Mr. Roy indicated that he felt that the mature trees in the backyard minimized the impact of the exterior influence along the south property line.

Mr. Stephen Bonner, Arapahoe County Assessor Office, testified at length to mandated time adjustment required by Colorado State Constitution, Statutes, and Division of Property Taxation Guidelines for ad valorem purposes. Based on an analysis of Economic Area 12, wherein the subject property is located, it was determined that a -0.0006 percent per month time adjustment factor should be applied to all single family properties.

Respondent assigned an actual value of \$1,354,000.00 to the subject property for tax year 2009.

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

The Board determined that the Petitioners' witness adjustments were not in conformance with standard appraisal practice for ad valorem purposes. Time adjustments are mandated by Colorado State Constitution, Statutes and Division of Property Taxation Guidelines.

The Board relied on adjustments made by the Respondent's witnesses. The Board placed little weight on the adjustments made by the Petitioners' witness since they were difficult to follow and applicable Colorado Revised Statutes and Division of Property Taxation Guidelines were not relied on when valuing property for ad valorem purposes.

Petitioners' deficiencies were adequately addressed in Respondent's 2009 actual valuation assigned to the subject property at \$1,354,000.00.

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 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 for assessment of the county wherein the property is located, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provision 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).

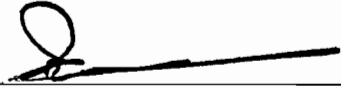
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law when Respondent alleges procedural errors or errors of law by the Board.

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 for assessment of the county in which the property is located, Respondent may petition the Court of Appeals for judicial review of such questions.

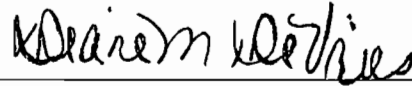
Section 39-10-114.5(2), C.R.S.

DATED and MAILED this 13th day of October 2010.

BOARD OF ASSESSMENT APPEALS



James Meurer



Diane M. DeVries

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



Amy Bruins