

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>VERLYN DOUGLAS PARK,</p> <p>v.</p> <p>Respondent:</p> <p>DOUGLAS COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 53100</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on March 17, 2010, Debra A. Baumbach and Karen E. Hart presiding. Petitioner appeared pro se. Respondent was represented by Robert D. Clark, Esq. Petitioner is protesting the 2009 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**6983 Blue Flax Drive, Larkspur, Colorado
Douglas County Schedule No. R0181489**

The subject property consists of a 0.54-acre vacant land parcel.

Based on the market approach, Petitioner presented an indicated value of \$6,000.00 for the subject property.

Petitioner purchased the subject property on February 15, 2008 from a private seller for \$6,000.00. Since the purchase occurred during the eighteen month base year study period of January 1, 2007 through June 30, 2008, Petitioner believes the purchase price is the best indicator of market value for the subject property.

Petitioner testified that although not listed with a realtor, the subject property had been actively marketed through newspaper advertising and sale signs placed on the property for a period of six months. Petitioner paid cash for the property with the seller paying half of the closing costs.

Title was transferred by warranty deed. The seller resides in Wyoming. Petitioner testified that a 10% realtor commission would add \$600.00 to the purchase price, which still indicates a value less than that assigned by Respondent.

The subject property has a view of the mountains to the west. There are no utility services and the road is crude cut and not maintained, resulting in poor access. The subject slopes downward and to the west. There are no trees on the subject property. Petitioner believes the subject lot has less usable area due to its sloping terrain.

Petitioner presented no additional comparable sales, choosing instead to critique Respondent's sales

Petitioner does not believe Respondent's sales are comparable to the subject property. Comparable Sales 1, 2, 4, and 6 are forested. Comparable Sales 3 and 5 are set higher on the hillside of the mountain and have some flat terrain, resulting in better views and more useable area than the subject property.

Petitioner is requesting a 2009 actual value of \$6,000.00 for the subject property, based upon the actual purchase price of the subject property.

Respondent presented an indicated value of \$8,000.00 for the subject property based on the market approach.

Respondent's witness, Virginia K. Wood, Certified Residential Appraiser, presented six comparable sales and the subject property sale, ranging in sales price from \$6,000.00 to \$12,400.00 and in size from 0.491 acres to 0.54 acres. No adjustments were made to the sales. The subject property and the comparable sale properties are currently not buildable due to their lack of access and utility amenities.

Ms. Wood testified that Comparables Sales 1, 2, and 3 were not listed on the MLS and sold for lesser amounts than Sales 4, 5, and 6, which were listed on the MLS. She gave more weight to the MLS comparable sales as realtors must express sale concessions or financing terms, and the MLS gives a greater exposure to a larger segment of the population. She considered Comparable Sale 5 to be most similar to the subject property. No adjustments were made to the sales. They are similar in size and location and she considered adjustments for trees to be equal to adjustments for lack of trees but better views. The non-MLS sales indicate a value of \$8,000.00. The MLS sales indicate a value of \$12,000.00. The median value of all of the comparable sales and the subject sale is \$9,000.00. Ms. Wood concluded to a value for the subject property of \$8,000.00.

Respondent assigned an actual value of \$8,000.00 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 recognizes that Petitioner purchased the subject property during the study period and the Board considers the subject property sale to be a qualified sale. However, one sale does not set the market.

Respondent presented six comparable sales that were all located in close proximity to the subject property within the same subdivision. All of the sale properties had a similar size and similar lack of amenities as the subject. All of the sales were at or higher than the value assigned by Respondent.

Petitioner did not present any alternate comparable sales to indicate a lower value was warranted.

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 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 17th day of May 2010.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach

Debra A. Baumbach

Karen E. Hart

Karen E. Hart

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

HA flr

Heather Flannery

