

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>BERNARD CARPENTER,</p> <p>v.</p> <p>Respondent:</p> <p>DOUGLAS COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 53455 and 55621</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on April 19, 2011, Debra A. Baumbach and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by Robert D. Clark, Esq. Petitioner is protesting the 2009 and 2010 actual values of the subject property.

Dockets 53455 and 55621 have been consolidated.

Subject property is described as follows:

**8896 Aspen Leaf Court, Littleton, Colorado
Douglas County Schedule No. R0439764**

The subject property is a vacant 2.88 acre site with rolling terrain and views. It is located in Cherokee Ridge Estates, a gated custom-home subdivision of forty-four lots bordered on the north and east by open space held in a conservation easement. The subject site is impacted by target shooting from a law enforcement training center one-half mile to the northeast.

Petitioner is requesting an actual value of \$160,000.00 for the subject property for tax years 2009 and 2010. Respondent assigned a value of \$342,000.00 for each tax year.

Mr. Carpenter purchased the subject lot in 2006, at which time annual property taxes were approximately \$6,700.00. He anticipated an annual increase of three to four percent but has realized a substantially greater increase. Noting the 23% rate of increase for the subject lot, he argued that it far exceeds a reasonable standard.

Mr. Carpenter compared his rate of increase to the adjacent lot's decrease of 27% despite it being a superior site. He also compared his assessed value to those of other lots in the subdivision.

Mr. Carpenter questioned the tax rate of 29% for vacant land and 7.96% for residentially improved lots. These rates were explained by Respondent and the Board during the hearing.

Petitioner testified that similar sized lots are priced from \$100,000.00 to \$165,000.00 and that the value of the subject lot should be \$160,000.00.

Mr. Carpenter expressed concerns about the soil quality and a drainage easement, both potentially affecting construction. Respondent offered to review Petitioner's documentation in the assessor's office.

Respondent's witness, Virginia K. Wood, Certified Residential Appraiser, presented four comparable sales ranging in sale price from \$290,000.00 to \$379,900.00 and in size from 2.48 to 4.24 acres. A qualitative analysis supported Respondent's initial assigned value of \$380,000.00, which was derived by the taking the mean of mass-appraised base period sales.

Ms. Wood testified that the assigned value addressed the negative impact from the firing range by application of a 10% adjustment to the original \$380,000.00, which was reduced at the Board of Equalization hearing.

Ms. Wood discussed present worth discounting and its impact on lot values until 80% absorption had been realized. Cherokee Ridge Estates reached this absorption for tax year 2009, resulting in the absence of discounting, which had been the norm in the past.

Respondent presented sufficient probative evidence and testimony to show that the subject property was correctly valued for tax years 2009 and 2010.

Petitioner presented an equalization argument with his comparison of actual values for neighboring properties. The Board can consider an equalization argument if evidence or testimony is presented that shows the assigned values of the equalization comparables were derived by application of the market approach and that each was correctly valued. Since that evidence and testimony was not presented, the Board gives minimal weight to the equalization argument presented by Petitioner.

The Board acknowledges Petitioner's concerns and hopes that discussions during the hearing were informative: approaches to value per constitution and statute; the equalization argument; and present worth discounting, which is no longer applicable.

In review of Respondent's market analysis, the Board finds that a quantitative analysis with adjustments for lot size, views, and greenbelts might have resulted in a different indicated value. However, Petitioner did not provide the Board with any basis to make such possible adjustments.

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 29 day of April 2011.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach

Debra A. Baumbach

MaryKay Kelley

MaryKay Kelley

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

Amy Bruins

Amy Bruins

