

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>ROBERT AND GWEN DOMENICO,</p> <p>v.</p> <p>Respondent:</p> <p>DENVER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 53467</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on March 15, 2011, Louesa Maricle and MaryKay Kelley presiding. Robert Domenico appeared pro se on behalf of Petitioners. Respondent was represented by Charles T. Solomon, Esq. Petitioners are protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**6700 West Dorado Drive # 45, Denver, Colorado
Denver County Schedule No. 09132-25-022-000**

The subject property is a 1,923 square foot residence with basement and garage built in 1998 on a 7,380 square foot site. It is located in the gated Dorado Greens enclave of Grant Ranch.

Petitioners are requesting an actual value of \$490,000.00 for the subject property for tax year 2009. Respondent assigned a value of \$531,200.00.

Petitioners presented a value of \$490,000.00 for the subject property based on the market approach. Mr. Domenico presented five comparable sales ranging in sale price from \$563,000.00 to \$700,000.00 and in size from 1,966 to 2,023 square feet. After adjustments were made, the sales ranged from \$467,440.00 to \$586,400.00.

Mr. Domenico, arguing that values declined during the base period, stated that market data for home sales within one mile of the subject supported adjustments of 1.5% per month: the median sales price dropped from \$284,000.00 for a four-month period in 2007 to \$245,000.00 for a three-

month period in 2008; median days on the market increased from 85 to 103. Mr. Domenico acknowledged that his research extended beyond Dorado Greens and included a wide sampling of home sizes, quality, and other features.

Respondent presented a value of \$555,000.00 for the subject property based on the market approach. Respondent's witness, Richard Armstrong, Certified Residential Appraiser, presented three comparable sales ranging in sale price from \$580,000.00 to \$592,625.00, all with 1,966 square feet. After adjustments were made, the sales ranged from \$547,390.00 to \$558,700.00.

Mr. Armstrong testified that Mr. Domenico reported inaccurate sales prices for two of his comparables and that Respondent's data was secured from legal documents within county offices.

Mr. Armstrong testified that market research supported stable values during the base period. He relied on regression analysis and a comparison of assigned values within the Denver County section of Grant Ranch.

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

The Board has little confidence in Petitioners' market approach: two of the sale prices are incorrect, time adjustments are based on data including dissimilar properties outside the subdivision and are not convincingly supported, and the golf course adjustment is not supported by market data. Although the parties both presented three of the same sales, Respondent's adjustments, supported by market data, are more persuasive.

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.

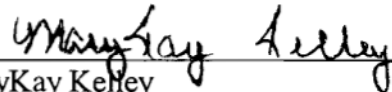
Section 39-8-108(2), C.R.S.

DATED and MAILED this 1 day of April 2011.

BOARD OF ASSESSMENT APPEALS

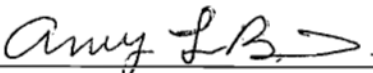


Louesa Maricle



MaryKay Kelley

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



Amy Bruins

