

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>ROGERS FAMILY TRUST,</p> <p>v.</p> <p>Respondent:</p> <p>DENVER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 53524</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on April 27, 2011, Gregg Near and James R. Meurer presiding. Thomas E. Rogers and Lucille I. Rogers appeared on behalf of the trust. Respondent was represented by Max Taylor, Esq. Petitioners are protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**6700 West Dorado Drive # 57, Denver, Colorado
Denver County Schedule No. 09145-05-035-000**

The subject property is a 1,978-square foot single family detached residence located in the gated Dorado Greens section of Grant Ranch. The house contains two bedrooms and two baths above grade, is the ranch style Marion model, and was constructed in 1999. There is a 1,553 square foot unfinished basement and a two-car attached garage. Lot size is 6,208 square feet. The Dorado Greens subdivision consists of 59 patio homes, all constructed by Larsen Homes.

Petitioner is requesting an actual value of \$464,259.00 for the subject property for tax year 2009. Respondent assigned a value of \$515,800.00.

Petitioner presented a value of \$464,259.00 for the subject property based on the market approach. Petitioners presented six comparable sales ranging in sale price from \$398,919.00 to \$700,000.00 and in size from 1,966 to 2,023 square feet. After adjustments were made, the sales ranged from \$391,726.00 to \$522,305.00 with an average value of \$464,259.00.

Petitioner argued that Respondent did not accurately account for the upgrades found in the comparable properties and excluded data that should have been considered in the final estimate of value. Petitioner further argued that that the subject had not been upgraded since it was constructed and that there were structural issues with the homes in Dorado Greens that should have been addressed in the appraisal.

Respondent presented a value of \$517,000.00 for the subject property based on the market approach. Respondent's witness, Richard C. Armstrong, a Certified General Appraiser, presented three comparable sales ranging in sale price from \$580,000.00 to \$592,625.00, all with 1,966 square feet of living area. The major adjustments to the comparables by Petitioner's witness consisted of condition, room count, basement and basement finish, and garage. After adjustments were made, the sales ranged from \$510,170.00 to \$520,590.00 with a reconciled value of \$517,000.00 for the subject.

Mr. Armstrong testified that his appraisal accurately reflected the condition and upgrades to the subject and that no structural issues were observed during the inspection. Mr. Armstrong further testified that the adjustments to Respondent's comparables were inappropriate and unsupported and questioned the appraisal technique(s) used to conclude a final value opinion.

After careful consideration of the testimony and exhibits presented in the hearing, the Board concludes that the comparable sales used in Respondent's market approach and the explanation and adjustments to those sales are reasonable and therefore most accurately reflect the market value for the subject. The three comparables used by Respondent all sold within the base period, were all very similar to the subject, and reflected supportable and logical adjustments.

Relative to Petitioner's reference to the assessment of other properties in the neighborhood, the Board can consider an equalization argument if evidence or testimony is presented that shows the Board that the assigned values of the equalization comparables were derived by application of the three approaches to value, as applicable, and that each comparable was correctly valued. *Arapahoe County Bd. of Equalization v. Podoll*, 935 P.2d 14 (Colo. 1997). Since that evidence and testimony was not presented, the Board gave little weight to the equalization argument presented by the Petitioner.

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).

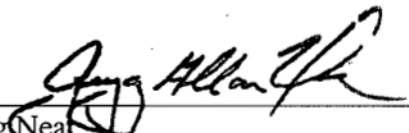
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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.

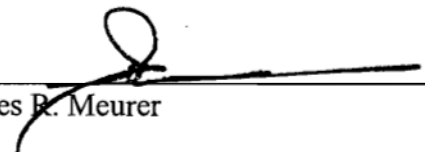
Section 39-8-108(2), C.R.S.

DATED and MAILED this 16 day of May 2011.

BOARD OF ASSESSMENT APPEALS



Gregg Neal



James R. Meurer

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



Amy Bruins

