

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>DEEPAK &amp; RITA BHASIN,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>DOUGLAS COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 53550</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on May 24, 2011, Debra A. Baumbach and Sondra W. Mercier presiding. Mr. Deepak Bhasin, Petitioner, appeared pro se on behalf of Petitioners. Respondent was represented by Robert D. Clark, Esq. Petitioners are protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**9007 S. Forrest Drive, Highlands Ranch, Colorado  
Douglas County Schedule No. R0375474**

The subject property consists of a 2,831-square foot, two-story, single family residence. The subject was completed in 1997 and backs to a green belt.

Petitioners are requesting an actual value of \$365,000.00 for the subject property for tax year 2009. Respondent assigned a value of \$467,301.00 for the subject property for tax year 2009.

Petitioner relied on the sale of 8604 Forrest Drive, which sold on January 16, 2007 for \$365,000. Petitioners made no adjustment to the comparable sale. Mr. Bhasin testified that this sale was on the same street and nearly the same size as the subject; however, it did not offer a green-belt location. Mr. Bhasin contends that even with an adjustment of \$22,000.00 for the non-green belt location, the sale of 8604 Forrest Drive indicates a lower value for the subject.

Respondent presented a value of \$470,000.00 for the subject property based on the market approach.

Respondent's witness, Mr. Wesley W. Wade with the Douglas County Assessor's Office, presented five comparable sales ranging in sale price from \$433,000.00 to \$605,000.00 and in size from 2,771 to 3,342 square feet. After adjustments were made, the sales ranged from \$449,200.00 to \$574,475.00. Respondent relied on all five sales, giving the greatest weight to Comparable Sale 1, which is the same model as the subject. Mr. Wade testified that 8604 Forrest Drive was not considered because it is not on a green belt and backs directly to a water tank.

Respondent assigned an actual value of \$467,301.00 to the subject property for tax year 2009.

Respondent presented sufficient probative evidence and testimony to show that the subject property was correctly valued for tax year 2009. The Board was convinced that Petitioners' sale was far inferior compared to the subject, requiring a substantial adjustment not only for the non-green belt location but, more importantly, for the negative influence of the water tank. The Board gave most weight to Respondent's five comparable sales because they were of similar size and construction, located within the subject's competitive neighborhood, with market supported 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 27 day of May 2011.

**BOARD OF ASSESSMENT APPEALS**

Debra A. Baumbach

Debra A. Baumbach

Sondra W. Mercier

Sondra W. Mercier

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

Amy Bruins

Amy Bruins

