

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**

1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 57776

Petitioners:

LONNIE AND ILSA GREGG,

v.

Respondent:

**ARAPAHOE COUNTY BOARD OF
EQUALIZATION.**

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on February 3, 2012, Diane M. DeVries and Debra A. Baumbach presiding. Mr. Lonnie Gregg appeared pro se on behalf of Petitioners. Respondent was represented by George Rosenberg, Esq. Petitioners are protesting the 2011 actual value of the subject property.

Subject property is described as follows:

**8362 E. Briarwood Blvd
Centennial, CO 80112
Arapahoe County Schedule No. 2075-28-1-14-046**

The subject property consists of a ranch style home containing 1,170 square feet of above grade living area and 1,053 square feet of finished basement area. The residence contains three bedrooms and two bathrooms. There is an attached garage area of 312 square feet and a detached garage containing 200 square feet. The subject property backs up to a greenbelt area located in the Walnut Hills subdivision.

Petitioners are requesting an actual value of \$238,000.00 for the subject property for tax year 2011. Respondent assigned a value of \$275,400.00 but is recommending a reduction to \$269,000.00 for the subject property for tax year 2011.

Petitioner, Mr. Gregg, testified that Respondent has been increasing the subject's value over the past several years while the property values have been steadily declining in his

neighborhood. Mr. Gregg purchased his property in 2003 with minimal improvements and there is no market support for the high increase in value.

Mr. Gregg presented two comparable sales located within close proximity to the subject property. One of the properties is a ranch style home similar to the subject and the other is a tri-level style home. Petitioners did not make any adjustments for differences and both properties were quit claim deeds with no disclosed sale prices.

Petitioners are requesting a 2011 actual value of \$238,000.00 for the subject property.

Respondent's witness, Mr. Rob W. Roy, Certified General Appraiser, presented an indicated value of \$269,000.00 based on the market approach. Respondent presented three comparable sales ranging in sale prices from \$235,000.00 to \$263,500.00 and in size from 1,160 to 1,204 square feet. After adjustments, the sales ranged from \$265,600.00 to \$278,700.00.

Mr. Roy testified that the comparable sales he used are all located within the same subdivision as the subject property. The comparable sales are similar in size, style, quality and market appeal. Adjustments were made for all differences affecting the value and all of the sales required a limited degree of adjustments. The subject property backs up to a greenbelt area and, based on Mr. Roy's analysis, no adjustments were indicated for the location backing up to the greenbelt. Mr. Roy testified that the final value estimate is well supported based on the limited adjustments required.

Mr. Roy testified that he did not consider Petitioners' comparable sales in the analysis as both are quit claim deeds. There were no sale prices associated with the deeds and the sales were considered mainly as transfers and not actual sales.

Respondent assigned an actual value of \$ 275,400.00 to the subject property for tax year 2011.

Petitioners presented sufficient probative evidence and testimony to show that the subject property was incorrectly valued for tax year 2011.

The Board was convinced that Respondent's recommended lower value is well supported by the evidence. Respondent utilized comparable sales within very close proximity to the subject and the limited adjustments indicate a supportable value conclusion.

The Board placed minimal weight on Petitioners' sales as both are quit claim deeds with no sale prices associated with either of them. The Board concluded the quit claim deeds are not considered to be valid market sales and should not be considered in the valuation process.

Furthermore, Petitioners did not present the Board with any refutable evidence that the sales used by Respondent were inappropriate or that insufficient adjustments were made. There was no evidence presented that would indicate Respondent's value is not reflective of the subject's market value during the statutory time frame.

The Board concludes that the actual value of the subject property should be reduced to Respondent's recommended value of \$269,000.00.

ORDER:

Respondent is ordered to reduce the 2011 actual value of the subject property to \$269,000.00. Arapahoe County Assessor is ordered to change his/her records accordingly.

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).

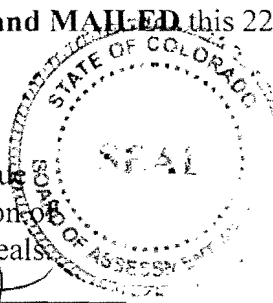
If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the respondent county, may petition the Court of Appeals for judicial review according 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 22nd day of February, 2012.



BOARD OF ASSESSMENT APPEALS

Diane M. DeVries

Diane M. DeVries

Debra A. Baumbach

Debra A. Baumbach

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

Milla Crichton

Milla Crichton