

BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203	Docket No.: 57867
<hr/> Petitioner: RAYMOND BRIAN AND REBECCA MILLER, v. Respondent: LARIMER COUNTY BOARD OF EQUALIZATION.	
ORDER	

THIS MATTER was heard by the Board of Assessment Appeals on January 17, 2012, Debra A. Baumbach and Lyle D. Hansen presiding. Mr. Raymond Brian Miller appeared pro se on behalf of Petitioners. Respondent was represented by Ms. Linda Connors, Esq. Petitioners are protesting the 2011 actual value of the subject property.

Subject property is described as follows:

**4480 Cushing Drive, Loveland, Colorado
Larimer County Schedule No. R1628820**

The subject property consists of a wood frame single-family ranch-style residence built in 2006 and contains a total of 1,763 square feet of gross living area above grade, a 1,681 square foot basement of which 1,225 square feet are finished. The residence has a total of five bedrooms, three full bathrooms, a 644 square foot three-car garage, a gas fireplace, air conditioning, rock exterior, expanded front porch and is situated on an 8,936 square foot lot.

Petitioners are requesting an actual value of \$256,000.00 for the subject property for tax year 2011. Respondent assigned a value of \$306,000.00 for the subject property for tax year 2011.

Petitioners' witness, Mr. Kenneth Sears, presented two comparable sales ranging in sale price from \$282,450.00 to \$369,900.00 and in size from 1,806 to 1,668 square feet. After adjustments were made, the sales ranged from \$139.81 to \$146.98 per square foot or \$246,485.00 to \$259,126.00. Mr. Sears initially presented four comparable sales but two sales were rejected for having occurred after the base period.

Mr. Sears testified that the subject had been purchased by Petitioners in June of 2007 for \$329,000.00 when the market was at a higher point and that property values have declined since then. He testified that he adjusted the comparable sale at 4447 Cole Drive upward for smaller lot area and downward for a time adjustment. He adjusted the comparable sale at 3606 Higgins Street downward for a larger lot area; downward for time; and downward for superior quality as a former model home situated next to a greenbelt. He accomplished no adjustments for differences in gross living area, basement area and finish, and garage size. Mr. Sears testified that Respondent's Appraiser did not accomplish a downward adjustment on Respondent's comparable sale one because of its former model home quality, its professional landscaping and its location next to a greenbelt.

Petitioners are requesting a 2011 actual value of \$256,000.00 for the subject property.

Respondent presented a value of \$346,800.00 for the subject property based on the market approach.

Respondent's appraiser, Mr. Jason Witty, a Colorado Certified General Appraiser, presented seven comparable sales ranging in sale price from \$282,450.00 to \$369,900.00 and in size from 1,584 to 1,806 square feet. After adjustments were made, the sales ranged from \$294,932.00 to \$403,683.00.

Mr. Witty accomplished adjustments on six of the seven comparable sales for time; adjustments on each of the seven sales for differences from the subject in gross living area above grade, for basement area and finish, and for garage size. He accomplished no adjustments for differences in lot size building quality or location next to a greenbelt. Mr. Witty gave equal weight to each of the seven comparable sales.

Respondent assigned an actual value of \$306,000.00 to the subject property for tax year 2011.

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

The Board placed greater reliability upon Respondent's value estimate. The seven comparable sales were located in the same residential subdivision and located within one to three blocks of the subject. The Board agreed with the Appraiser's adjustment analysis to six of the seven comparable sales and the utilization of those sales located in the subject's residential subdivision. The Board gave minimal weight to Respondent's comparable sale one because the Appraiser did not accomplish downward adjustments for the former model quality, the professional landscape and its location next to a greenbelt. With greater reliability given to the other six sales, the Board concluded that Respondent's value conclusion of \$306, 00.00 is supported.

ORDER:

The petition is denied.

APPEAL:

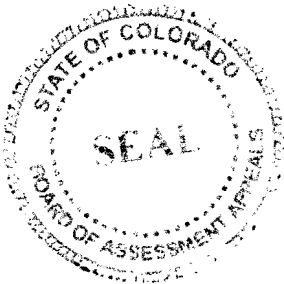
If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five 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 16th day of February, 2012.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach

Debra A. Baumbach

Lyle D. Hansen

Lyle D. Hansen

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

Milla Crichton

Milla Crichton