

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>MARK K. AND NATALIE J. JOHNSON,</p> <p>v.</p> <p>Respondent:</p> <p>ARAPAHOE COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 58136</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on July 25, 2012, Diane M. DeVries and MaryKay Kelley presiding. Mark K. Johnson 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:

**16 Vista Road, Englewood, Colorado
Arapahoe County Schedule No. 2077-01-4-03-006**

The subject is a 5,173 square-foot residence with basement and garage. It was built in 1957 in Cherry Hills Village. The home has had multiple additions, remodels, and updates. The 2.01-acre site has a pasture and barn.

Respondent assigned a value of \$1,993,200 for the subject property. Petitioners are requesting a value of \$1,573,574.

Mr. Johnson described the subject lot as surrounded by roads and trails and without privacy; Vista Road to the west, Meadows Lane to the east, Foxhill Road to the south, and the Cherry Hills Trail (pedestrians, bikers, and horses) to the north. He presented three sales in 2004, his year of purchase, at 9, 11 and 12 Vista Road, none with similar impact.

Mr. Johnson described the original 1950's vintage portion of the home as dated. The subsequent additions have higher ceilings, wider hallways, and more marketable features. However, parts of the roof need replacement, some of the paint is blistering and peeling, structural settling is present, and stucco and concrete work is needed.

Mr. Johnson presented three comparable properties (16, 15 and 14 Vista Road), comparing their assigned values for an equalization argument.

Petitioners considered Respondent's Sale Four at 12 Village Road to be a valid comparison, other sales too distant. Their witness, William H. Ebbert, agent, calculated this sale's time-adjusted price per square foot at \$304.19 and applied it to the subject's square footage for a requested value of \$1,573,574.

Respondent presented a value of \$2,045,000 for the subject property based on the market approach. Respondent's witness, Merry Fix, Certified Residential Appraiser, presented four comparable sales ranging in sale price from \$2,100,000 to \$3,500,000 and in size from 3,832 to 9,719 square feet. After adjustments were made, the sales ranged from \$2,043,557 to \$2,392,437. She placed greatest weight on Sale Three at \$395.04 per square foot.

Respondent's witness, based on an inspection of the subject property, did not identify any significant physical items of disrepair that would impact value.

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

In accordance with Colorado case law, an equalization argument is valid if evidence or testimony had shown the assigned value of the properties had been derived by application of the market approach and correctly valued. *Arapahoe County Board of Equalization v. Podoll*, 935 P.2d 14 (Colo. 1997). Since that evidence and testimony was not presented, the Board gives limited weight to the equalization argument presented by Petitioners.

The Board, while acknowledging the subject's original year of construction and subsequent additions, is not persuaded that value was impacted by deferred maintenance. Contractor estimates were not provided as support for additional adjustments.

The Board is not convinced that the subject site is negatively impacted by adjacent roads or trails. Its acreage appears sufficient to provide privacy.

Respondent's witness correctly completed a site-specific appraisal of the subject property, comparing sales of similar properties and adjusting for time and a variety of characteristics.

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 27th day of July, 2012.

BOARD OF ASSESSMENT APPEALS

Diane M. DeVries

Diane M. DeVries

MaryKay Kelley

MaryKay Kelley

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

Milla Crichton

Milla Crichton