

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>MICHAEL J. SKURICH,</p> <p>v.</p> <p>Respondent:</p> <p>DOUGLAS COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 59265</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on July 12, 2012, Diane M. DeVries, Brooke Leer, and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by Robert D. Clark, Esq. Petitioner is protesting the 2011 actual value of the subject property.

Subject property is described as follows:

**5383 North Mesa Drive, Castle Rock, Colorado
Douglas County Schedule No. R0057277**

The subject is a 5,754 square-foot two-story house with an unfinished basement and two garages. It was built in 2006 on a 2.682 acre site in the Happy Canyon Subdivision.

Respondent assigned an actual value of \$985,000 for tax year 2011. Petitioner is requesting a value of \$750,000.

Mr. Skurich described the Happy Canyon Subdivision as inferior to others in the area: many homes are older and in disrepair; mobile homes, abandoned equipment, small farms and outbuildings are present; not all roads are paved; power lines rather than underground utilities are unsightly; there are no parks or walking paths; and covenants regulating construction quality and other features do not exist.

Mr. Skurich described his home as inferior to comparable sales. He built it himself, using Home Depot materials. An adjacent site was purchased for construction of water tanks, which will

negatively impact subject's marketability and value. He refused interior access, disagreeing with the appraisal process in which greater contribution for various items was assigned in the past than purchase price new (furnace, water tank, appliances, fireplace, and decks, for example).

Mr. Skurich presented three comparable sales ranging in sale price from \$460,000 to \$896,000 and in size from 3,992 to 6,140 square feet. No adjustments were made to the sales. He placed greatest weight on Sale 3 (1177 East Pawnee Trail) because of its location within the subject subdivision; it sold May 1, 2008 for \$785,000. His requested value was based on this sale and feedback from area Realtors.

Respondent presented a value of \$1,000,000 for the subject property based on the market approach. Respondent's witness, Thomas L. Brown, Certified Residential Appraiser, presented four comparable sales ranging in price from \$700,000 to \$1,268,100 and in size from 3,454 to 5,415 square feet. After adjustments were made, the sales ranged from \$913,120 to \$1,214,010. Mr. Brown reconciled at the lower end of the adjusted range.

Mr. Brown, while agreeing that the subject subdivision was inferior to others in the area, was unable to delineate a market reaction and made no location adjustments. Also, he disagreed with Petitioner that water tanks would be built above ground, and the Board is convinced by his testimony.

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

The Board is persuaded that Happy Canyon Subdivision carries lower overall value than other subdivisions in the area, but it was not provided with data to support adjustments. Therefore, the Board considered the two sales lying within the subject subdivision: Respondent's Sale Three, given little weight due to its age and bank-owned transaction; and Petitioner's Sale Three (1177 East Pawnee Trail), which is located within the subject subdivision. Relying on the latter, adjustments were applied for age, size (prime living and basement), basement finish and walkout, and fireplaces, and value is reconciled at \$876,000, rounded.

MATH = \$786,000
+ 11,000 FOR AGE
+ 123,340 FOR SIZE @ \$70/SF
+ 38,400 FOR BSMT SIZE @ \$20/SF
- 59,159 FOR BSMT FINISH @ \$30/SF
- 20,000 FOR WALKOUT
- 3,000 FOR FIREPLACE

The Board concluded that the 2011 actual value of the subject property should be reduced to \$876,000.

ORDER:

Respondent is ordered to reduce the 2011 actual value of the subject property to \$876,000.

The Douglas County Assessor is directed to change their 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).

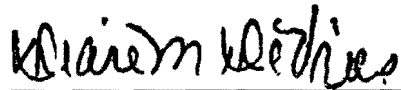
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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 27th day of July, 2012.

BOARD OF ASSESSMENT APPEALS



Diane M. DeVries

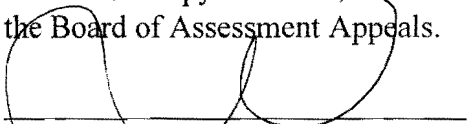


Brooke Leer

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

