

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>165 CONTINENTAL VIEW LLC</p> <p>v.</p> <p>Respondent:</p> <p>BOULDER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 59592</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on October 26, 2012, Diane M. DeVries and MaryKay Kelley presiding. Colleen Vandendriessche appeared pro se on behalf of Petitioner. Respondent was represented by Michael A. Koertje, Esq. Petitioner is protesting the 2011 actual value of the subject property.

Subject property is described as follows:

**165 Continental View Drive, Boulder, Colorado
Boulder County Schedule No. R0036556**

The subject is a 1,442 square foot residence with a partially-finished basement. It was built in 1961 on a 1.72 acre elevated view site. The residence has been converted from well and septic to public water and sewer.

Respondent assigned a value of \$690,000 for tax year 2011. Petitioner is requesting a value between \$587,000 and \$600,000.

Petitioner presented a market approach to derive a value between \$587,000 and \$600,000. Ms. Vandendriessche presented five comparable sales ranging from \$525,000 to \$713,000. Adjustments were based on mass appraisal data presented at the BOE appeal and data secured from contractors. Adjusted sale prices ranged from \$521,474 and \$643,942.

Ms. Vandendriessche disagreed with the weight given to the view premium by Respondent, testifying that all potential buyers do not value a view site similarly.

Respondent presented a market approach to derive a value of \$780,000. Respondent's witness, Lori Freedman, Certified General Appraiser, considered the residence to be insignificant in comparison to the exceptional view. She presented five comparable sales, all with view premiums, ranging in sale price from \$525,000 to \$1,200,000. Adjustments were derived from matched-pair sales and Ms. Freedman's experience in appraisal. Adjusted sale prices ranged from \$627,187 to \$996,455. Putting most weight on Sales One and Two, Ms. Freedman reconciled at mid-point of the range.

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

The Board finds that Respondent's appraisal is more persuasive due to the witness's experience and application of appraisal methodology.

The Board is convinced that elevation and view are significant features within the subject property. Respondent's witness presented comparable properties with view premiums, and adjustments between \$25,000 and \$50,000 are not considered inappropriate.

The Board is not convinced that Respondent's well/septic and public water/sewer adjustments are supportable; Ms. Freedman agreed that the presence of either satisfies the typical buyer. Without these adjustments, the range of values falls between \$724,236 and \$996,455. Reconciliation below the assigned value of \$690,000 is not 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

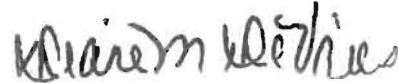
Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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 31st day of October, 2012.

BOARD OF ASSESSMENT APPEALS

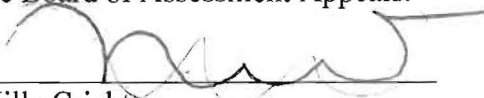


Diane M. DeVries



MaryKay Kelley

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



Milla Crichton