

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

1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 62644

Petitioner:

ARVIND AND VINEETA TREHAN,

v.

Respondent:

**ARAPAHOE COUNTY BOARD OF
EQUALIZATION.**

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on July 23, 2014, Debra A. Baumbach and Sondra W. Mercier presiding. Mr. Arvind Trehan, Petitioner, appeared pro se on behalf of Petitioners. Respondent was represented by George Rosenberg, Esq. Petitioners are protesting the 2013 actual value of the subject property.

Subject property is described as follows:

**26496 E Peakview Drive, Aurora
Arapahoe County Schedule No. 2071-21-3-01-029**

The subject property consists of a 4,121-square-foot single family residence that was built in 2007. The residence has five bedrooms and six bathrooms, an unfinished basement, and a three-car garage. The home is situated on the south shore of the Aurora Reservoir and backs to open space.

Petitioners are requesting an actual value of \$510,000 to \$515,000 for the subject property for tax year 2013. Respondent assigned a value of \$549,700 for the subject property for tax year 2013.

Petitioners contend that the value is incorrect based on flawed assumptions and incorrect data. Mr. Arvind Trehan, Petitioner, testified that the basement square footage used by the County, at 1,965, was incorrect and should be closer to 1,350 square feet. Further, that the residence has five full baths and a powder room, not the six baths that the County shows in their records.

The subject was purchased by Petitioners in July 2010 for \$572,000, within the extended base period. Mr. Trehan further testified that when he purchased the property in 2010, he was under duress to complete the transaction as Petitioners had to move from their property in New Jersey in approximately one month's time.

Petitioners presented a market approach consisting of four comparable sales, including the sale of the subject, with sale prices ranging from \$515,000 to \$578,900 and in size from 4,121 to 4,133. The sales transacted between October 2008 and July 2010, and were drawn from an extended base period. No adjustments were made to the sales for any difference in physical characteristics or market conditions. Mr. Trehan concluded to a range in value from \$510,000 to \$515,000. Mr. Trehan argued he utilized comparable sales within the extended base period because they reflected values in the market area during the time he purchased his home.

Mr. Trehan testified that the sales selected by Respondent were superior to the subject, with upgrades that included walk-out basements, extended kitchen and family rooms, lot premiums and upgraded doors. The data and testimony presented by Petitioner also included a comparison of assessed values between the subject and the comparable sales.

Petitioner is requesting a 2013 actual value of \$510,000 to \$515,000 for the subject property.

Respondent presented a value of \$550,000 for the subject property based on the market approach.

Respondent acknowledged that the square footage of the basement may be incorrect in the County records and agreed to make any necessary corrections.

Respondent's witness, Michelle Doll, with the Arapahoe County Assessor's Office, presented three comparable sales, including the sale of the subject, indicating sale prices ranging from \$530,000 to \$572,000 and in size from 4,121 to 4,437 square feet. After adjustments were made, including an adjustment for time, the sales ranged from \$534,831 to \$572,774.

Respondent assigned an actual value of \$549,700 to the subject property for tax year 2013.

Petitioner presented insufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2013.

Colorado case law requires that "[Petitioner] must prove that the assessor's valuation is incorrect by a preponderance of the evidence. . ." *Bd. of Assessment Appeals v. Sampson*, 105 P.3d 198, 204 (Colo. 2005). After careful consideration of the testimony and exhibits presented at the hearing, the Board concludes that Respondent's comparable sales and adjustments to the sales accurately reflect the market value for the subject property. The sales used by Respondent were of the same model as the subject, located in the same subdivisions as the subject, and were representative of the market during the required statutory base or extended base period.

Petitioners' sales were not adjusted for time or for physical characteristics. Petitioners did not make market adjustments to the comparable sales relative to the subject property, as required by the market approach to value methodology. As a result, the Board concludes that the unadjusted sale prices for Petitioners' comparable sales do not provide credible support for a conclusion of value.

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-nine 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-nine 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 8th day of August, 2014.

BOARD OF ASSESSMENT APPEALS

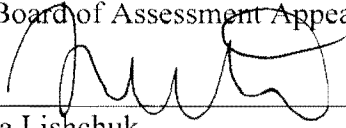


Sondra W. Mercier

Debra A. Baumbach

Debra Baumbach

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



Milla Lishchuk

