

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>MARK K. & NATALIE J. JOHNSON,</p> <p>v.</p> <p>Respondent:</p> <p>ARAPAHOE COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 62705</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on January 13, 2014, Brooke B. Leer and Debra A. Baumbach presiding. Mark K. Johnson 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:

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

The subject is a split-level, single-family residence located in the Village Heights Subdivision, in the City of Cherry Hills Village. The residence was constructed in 1957, and includes 5,173 square feet of above-grade living area. There is a 597 square foot basement with 537 square foot of finish. In 2005, there was a room addition constructed over the garage area and 75% of the residence was updated. There is a five car garage, swimming pool, barn with a care-taker's cottage attached including a kitchen, bathroom, bedroom, living room and loft area. The residence is situated on 2.01 acre site, allowing horses for recreation.

Petitioners are requesting an actual value of \$1,900,000 for the subject property for tax year 2013. Respondent assigned a value of \$2,101,300 for the subject property for tax year 2013 but is recommending a reduction to \$2,095,000.

Petitioner's witness Mr. Scott R. Page, Certified Residential Appraiser with Metropolitan Appraiser, Inc., presented a value of \$1,900,000 based on the market approach. Mr. Page presented three comparable sales ranging in sale prices from \$1,800,000 to \$2,250,000 and in size from 5,321 to 5,466 square feet. After adjustments were made for differences in physical characteristics, the sales ranged from \$1,876,500 to \$1,932,500. In addition, one comparable listing and one comparable under contract were also included, supporting market trends during the relevant time period.

Mr. Page testified the subject property suffers from decreased marketability because of an obsolete floor plan. It is the only remaining split-level home located in the subdivision, the floor plan lacks good room utility, flow and the rooms are choppy. The majority of homes in the subdivision are newer construction resulting from older homes that were previously scraped off. They include more popular open updated floor plans with superior design styles. In selecting comparable sales the main criteria was using sales that were the most similar in style, quality, condition and location. Based on the subject's obsolete floor plan, downward adjustments were made to the sales for superior design styles. Mr. Page testified there was insufficient data supporting adjustments for time trending or slight differences in site size.

Respondent's witness, Ms. Merry Fix of the Arapahoe County Assessor's Office presented a value of \$2,095,000 based on the market approach. Ms. Fix presented three comparable sales ranging in sale prices from \$1,800,000 to \$3,000,000 and in size from 5,321 to 10,085. After adjustments were made, the sales ranged from \$1,621,737 to 2,422,735. The adjustments included; time trending, site size, construction quality, age, living area, room count, basement and basement finish, fireplace, patio/porches, pool/barn, barn living area. Ms. Fix concluded to a value of \$2,095,000.

Ms. Fix testified all the sales are located within the same general market area. There was only one sale located in the subject's immediate neighborhood. Adjustments were made for differences affecting the values and her sales 2 and 3 were the same sales used by Petitioner, however the adjustments were calculated differently.

Sufficient probative evidence and testimony was presented to prove that the subject property should be set at Respondent's recommended value.

The burden of proof is on Petitioner to show that Respondent's valuation is incorrect. *Bd. Of Assessment Appeals v. Sampson*, 105 P.3d 198 (Colo. 2005). The Board is in agreement with Petitioners that based on the evidence presented an adjustment for differences in design styles is warranted. However, the Board was not convinced Petitioners presented adequate data supporting large adjustments for the design styles difference. Both parties relied on comparable sales similar in age and based on design styles for that time period, the floor plans and room utility would mostly likely be similar. The Board believes the lack of flow and utility in the subject is most likely the result of room addition in 2005. The Board agrees Respondent's sale 1 is twice the size of the subject property and should be given minimal weight. The Board placed most reliance on the two comparable sales used by both parties and Petitioner's sale 1. Therefore, the Board found Respondent's recommended value to be the most persuasive.

ORDER:

Respondent is ordered to reduce the 2013 actual value of the subject property to \$2,095,000.

The Arapahoe County Assessor is directed to change their records accordingly.

APPEAL:

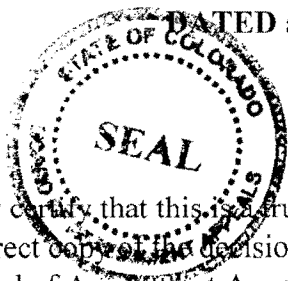
If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-nine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

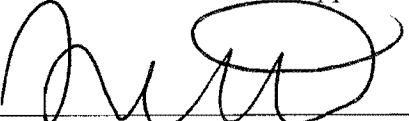
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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.

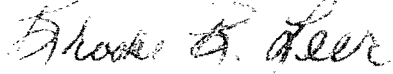


I hereby certify that this is a true and correct copy of the decision of the Board of Assessment Appeals.

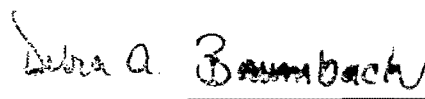

Milla Lishchuk

DATED and MAILED this 27th day of January, 2013.

BOARD OF ASSESSMENT APPEALS



Brooke B. Leer



Debra A. Baumbach