

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**
1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 70504

Petitioner:

MICHAEL P. AND KATHERINE F. RHODUS,

v.

Respondent:

TELLER COUNTY BOARD OF EQUALIZATION.

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on December 14, 2017, Sondra W. Mercier and MaryKay Kelley presiding. Michael P. Rhodus appeared pro se for Petitioners. Respondent was represented by Matthew A. Niznik, Esq. Petitioners are protesting the 2017 actual value of the subject property.

Subject property is described as follows:

**40 Missouri Gulch Road, Woodland Park, Colorado
Teller County Schedule No. R0017528**

The subject is a 2,912 square-foot 1 ½-story house with basement and garage. It was built in 2012 on a 3.31-acre site in the Ridgewood Subdivision, which has 114 lots (99 improved) and is surrounded by the Pike National Forest. The subdivision is covenant controlled and has a central water district. Septic systems are typical. Electric and telephone service is available. Roads are county maintained. The subject parcel is gently sloped and forested.

Respondent assigned an actual value of \$484,049 for tax year 2017, which is supported by an appraised value of \$485,000. Petitioners are requesting a value of \$455,000.

Mr. Rhodus presented an analysis of three comparable sales; Sale Four was eliminated. Sale prices range from \$434,000 to \$575,000. Adjustments were made for value increase, acreage, construction quality, size and room count, basement finish, garage, age, and miscellaneous other features. Adjusted sale prices ranged from \$440,776 to \$450,709. Mr. Rhodus' requested value was

the value presented at the Board of Equalization hearing by the Assessor (\$455,000) and testified that it was supported by the median (\$446,557) and mean (\$446,014) of his analysis.

Mr. Rhodus placed greatest weight on Sale One, which was a 1 ½ story house located on a ten-acre site with a superior view. He described Sale Two as being on a fifteen-acre site in the subject subdivision with an elevated, better view. Sale Three, also a 1 ½ story house in the Ridgewood Subdivision, sat on a 5.84-acre site and received the fewest net adjustments.

Respondent's witness, Betty Clark-Wine, Ad Valorem Appraiser and Teller County Appraiser, presented a Market Approach to value with three comparable sales ranging in sale price from \$434,000 to \$575,000. All were located in the Ridgewood Subdivision. After adjustments for value increase, acreage, age, size and room count, basement finish, and miscellaneous other features, adjusted sale prices ranged from \$474,327 to \$491,211.

Ms. Clark-Wine declined use of Petitioners' Sale One because of its location four-plus miles from the subject, its access via a non-maintained winding, narrow easement road, and its superior view. Also, she considered Ridgewood Subdivision sales to be superior comparisons and found it unnecessary to search elsewhere.

Ms. Clark-Wine's Sale One was the same property as Petitioners' Sale Two (3959 Spruce Road). The parties made different adjustments for acreage, age, and bedroom count. Ms. Clark-Wine based her acreage adjustment on price per acre of similar-sized parcels. She applied \$500 per year for her age adjustment and adjusted bedrooms at \$3,000 each.

Ms. Clark-Wine's Sale Two was the same property as Petitioners' Sale Three (3277 Spruce Road). The parties made different adjustments for acreage, construction quality, and bedroom count. Ms. Clark-Wine based her acreage adjustment on price per acre of similar-sized parcels. She applied a percentage adjustment for the difference in construction quality and \$3,000 per bedroom for room count.

Petitioners presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2017.

The Board gives little weight to two of the parties' sales: Petitioners' Sale One is located in an area without Ridgewood's amenities and has a difficult access; and Respondent's Sale Three is an older sale (June of 2012) with the highest adjusted value, making the time adjustment questionable. Further, while 3959 Spruce Road (Petitioners' Sale Two and Respondent's Sale One) is located within the subject subdivision, its 15-acre site attracts a very different buyer than that of the subject's 3.31-acre site (considerably more privacy and additional space for outbuildings, etc.). It is given little weight.

The Board finds 3277 Spruce Road (Petitioners' Sale Three and Respondent's Sale Two) to be the best comparison due to its similarity in acreage (5.84 in comparison to the subject's 3.31). Petitioners' \$17,500 acreage adjustment was not defended. Although Respondent's witness made no adjustment for difference in acreage, her Exhibit A, page 32 compares sales of vacant acreages, the

first section displaying a range of 2.641 to 5.580 acres with sale prices \$14,240 to \$15,950 per acre. The Board finds application of \$15,000 per acre to Respondent's Sale Two is supported (5.84 minus 3.31 acres = 2.53 acres times \$15,000 = \$37,950 adjustment for an adjusted value of \$436,377.

Continuing with 3277 Spruce Road, Respondent's adjustment for bedroom count (four bedrooms versus the subject's two at \$3,000 per bedroom) was derived from market research and is given more weight than Petitioners' \$5,000 per bedroom unsupported adjustment. Similarly, Respondent's construction quality adjustment of \$55,060 (reportedly 15%) was derived from market research and is given more weight than Petitioners' \$48,790 unsupported adjustment.

The Board finds Respondent's Sale Two to be most reflective of market value. Re-calculation of the acreage adjustment indicates an adjusted sale price of \$436,377.

ORDER:

Respondent is ordered to reduce the 2017 actual value of the subject property to \$436,377.

The Teller 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.

DATED and MAILED this 5th day of February, 2018.

BOARD OF ASSESSMENT APPEALS

Sondra W. Mercier

Sondra Mercier

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 Lishchuk

Milla Lishchuk

