

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>SHANNON FOSTER,</p> <p>v.</p> <p>Respondent:</p> <p>DOUGLAS COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 73582</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on August 7, 2018, Diane M. DeVries and Gregg Near presiding. Petitioner appeared pro se. Respondent was represented by Megan L. Taggart, Esq. Petitioner is protesting the 2017 actual value of the subject property.

The parties stipulated to the admission of Petitioner’s Exhibits 1-13 and Respondent’s Exhibits A and B.

Subject property is described as follows:

**143 N County Highway 67
Sedalia, CO 80135
Douglas County Account No. R0167214**

The subject property consists of a single family ranch style home constructed in 2007. The home contains 1,288 square feet above grade with a 1,288 square foot unfinished walkout basement. The home is located on a 1.9 acre (±82,764 SF square feet) wooded site. The Douglas County Assessor rates the subject as average in quality of construction and in good condition.

Petitioner is requesting an actual value of \$260,000 for the subject property for tax year 2017. Respondent assigned a value of \$332,053 for the subject property for tax year 2017.

Evidence Presented Before the Board

Petitioner presented fifteen comparable sales ranging in time adjusted sale prices from \$139,066 to \$494,574 and in size from 465 to 2,982 square feet. No additional adjustments were made. Petitioner concluded to a value of \$260,000 for the subject property for tax year 2017.

Respondent's appraiser Martin Wilson, a licensed appraiser for the Douglas County Assessor's Office, presented a market approach containing six comparable sales ranging in sale price from \$210,000 to \$405,000 and in size from 1,068 to 1,800 square feet. After adjustments were made, the sales ranged from \$329,875 to \$413,375.

The witness adjusted the comparable sales for market conditions (time); year built; size; basement; basement finish; walkout basement; garage; fireplace; heating system and lot size. After all adjustments were applied Mr. Wilson concluded to a value of \$340,000.

Respondent assigned an actual value of \$332,053 to the subject property for tax year 2017 and supported that value with a site specific appraisal reflecting a value of \$340,000.

The Board's Findings

The burden of proof is on a protesting taxpayer to show that the assessor's valuation is incorrect by a preponderance of the evidence in a de novo BAA proceeding. *Board of Assessment Appeals v. Sampson*, 105 P.3d 198 (Colo.2005). After careful consideration of all of the evidence, including testimony presented at the hearing, the Board finds that Petitioner met its burden.

Petitioner failed to make adjustments to the comparable sales presented but referenced several market transactions and disputed the sales provided by Respondent's appraiser. With regard to Respondent's evidence, the Board found significant omissions, misstatements and an inadequate valuation approach to support Mr. Wilson's final value opinion. Specifically, the Board determined that Petitioner's information illustrated significant property features reported by the Multiple Listing Service and internet sources that were not considered by Respondent. Upon direct questioning from the Board, Respondent's witness testified that adjustments to the comparable sales were based upon valid sales researched by the Assessor and resulted from "paired sales" found during that research. Respondent's witness did not present data within his report representing paired sales and testified his adjustments were based upon the County's mass appraisal conclusions. The Board understands mass appraisal data can be presented at the hearing but finds Respondent's witness unconvincing due to his failure to research and consider available and relevant market data or disclose the data which was used to generate the mass-appraisal analysis.

In the absence of appropriate adjustments presented by Respondent's witness the Board has considered the property features presented in the appraisal report with consideration to testimony and exhibits presented by Petitioner. The Board finds Respondent's Sale No. 3(93% gross adjustment) and Sale No.5 (a related party sale) are not comparable.

The remaining transactions are considered within an adjustment grid applying qualitative adjustments by the Board.

ITEM	SUBJECT	SALE 1	ADJ.	SALE 2	ADJ.	SALE 3	ADJ.	SALE 4	ADJ.
ADDRESS	143 N Hwy 67	149 N Hwy 67		171 S Hwy 67		15344 Westcreek		14607 Westcreek	
TASP		\$397,500		\$240,189		\$244,535		\$411,440	
ACRES	1.9	2.9	(-)	1.5		0.5	(+)	5	(-)
VIEW	Road	Avg.	(-)	Road		Lake	(-)	Stream	(-)
YEAR	2007	1994	(+)	1970	(+)	1983	(+)	1999	(+)
COND.	Avg.	Good	(-)	Avg. +	(-)	Good	(-)	Good	(-)
SIZE/Sq. Ft.	1,288	1,500	(-)	1,680	(-)	1,068	(+)	1,470	(-)
BSMT SF	1,288	762	(+)	640	(+)	0	(+)	1,312	
BSMT FINISH	0	868	(-)	0		0		1,312	(-)
WALKOUT	Yes	Yes		No	(+)	No	(+)	Yes	
GARAGE	540 SF	900 SF	(-)	430 SF	(+)	No	(+)	812 SF	(-)
FIREPLACE	1	1		0	(+)	1		1	
HEAT/AC	GFA	HWBB	(-)	GFA		GAS/Elec	0	AC	(-)
OTHER						Gated	(-)	Gated	(-)
NET ADJ			5 (-)		3 (+)		3 (+)		7 (-)

Ranking of the comparable sales indicates the following:

SALE NUMBER	ADJUSTED SALE PRICE
2	More than \$240,189
3	Much more than \$244,535
1	Much less than \$397,500
4	Much less than \$411,440

The adjusted indications range from more than \$240,189 to much less than \$411,440. With the extreme low and extreme high values removed, the adjusted range is greater than \$244,535 to much less than \$397,500. Given that both Sale No. 1 and Sale No. 4 had many more negative adjustments the appropriate indication should be lower than the mid-point.

Based upon the adjustment grid above, the Board considers an actual value of \$300,000 to be appropriate.

The Board concluded that the 2017 actual value of the subject property should be reduced to \$300,000.

ORDER:

Respondent is ordered to reduce the 2017 actual value of the subject property to \$300,000.

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-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.

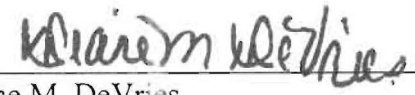
DATED and MAILED this 11th day of September, 2018.

BOARD OF ASSESSMENT APPEALS


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



Milla Lishchuk



Diane M. DeVries



Gregg Near