

THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO

RESOLUTION APPROVING THE RECOMMENDATIONS OF ABATEMENT  
HEARINGS REFEREE.

**WHEREAS**, pursuant to Resolution No. R-008-083, A Resolution Appointing Independent Referees to Conduct Abatement Hearings on Behalf of the Board of County Commissioners Beginning July 1, 2008, the Board finds as follows:

1. Referee Karen Smith heard abatement petitions on December 8, 2016; and
2. After hearing all the evidence, Referee Smith makes the recommendations contained in the attached Referee Worksheets for the following Abatement Numbers:

| <u>Abatement No.</u> | <u>Petitioner(s)</u>          |
|----------------------|-------------------------------|
| 16-171               | CO13 Englewood LLC            |
| 16-172               | Kan N. Lovett                 |
| 16-178               | Barry D. and Robyn Wyttenbach |

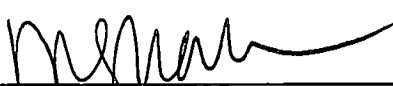
3. Having reviewed the recommendations of Referee Smith, the Board of County Commissioners ("Board") approves her findings and recommendations.

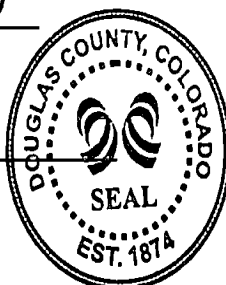
**NOW, THEREFORE**, be it resolved by the Board of County Commissioners of the County of Douglas, State of Colorado, that the Board accepts the recommendations of Referee Smith and orders the Clerk to the Board to prepare a separate resolution for each abatement petition contained in the attached worksheets and to notify the petitioners of this decision.

**PASSED AND ADOPTED** this 10<sup>th</sup> day of January, 2017 in Castle Rock, Douglas County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO

BY:   
ROGER A. PARTRIDGE, Chair

ATTEST:   
MEGHAN MCCANN, Deputy Clerk



DOUGLAS COUNTY ABATEMENT HEARING  
REFEREE WORKSHEET

Petitioner: CO13 Englewood LLC

Agent: Patrick Sullivan

Property Address: 349 Inverness Drive South

Abatement Number: 16-171

Assessor's Original Value: \$17,155,545 for tax year 2015.

Hearing Date: December 8, 2016

Hearing Time: 9:00 a.m.

1. The Douglas County Assessor was represented at the hearing by Rob Moffitt.
2. The Petitioner was:
  - a. ☐ present
  - b. ☐ not present
  - c. ☐ present/represented by
  - d. ☒ not present/represented by Patrick Sullivan, who also was not present.
3. Assessor's Recommended Value: \$17,155,545 for tax year 2015.

Petitioner's Requested Value: \$13,242,000 for tax year 2015.

4. Petitioner presented the following testimony and documents in support of the claim: Petitioner requested an administrative denial.

5. The Assessor presented the following testimony and documents in support of the Assessor's position:

- a. ☐ data from sales of comparable properties which sold during the applicable time period; and /or
- b. ☐ valuation using the cost approach; and/or
- c. ☐ a valuation using the income approach; and/or
- d. ☒ other Petitioner requested an administrative denial.

**THE REFEREE FINDS AND RECOMMENDS THAT THE PROPER CLASSIFICATION AND ACTUAL VALUE OF THE PROPERTY ARE:**

Classification: Commercial

Total Actual Value: \$17,155,545 for tax year 2015.

Reasons are as follows: Petitioner requested an administrative denial.

IT IS THEREFORE RECOMMENDED that for the above-stated reasons, the Petition for Abatement is:

- a. ☐ Approved and the value of the subject property is reduced as set forth in the Findings and Recommendations herein
- b. ☐ Approved in part as set forth in the Findings and Recommendations herein
- c. ☐ Denied after abatement hearing
- d. ☒ Administrative Denial is Granted

REFEREE:

*s/ Karen Smith*  
Name

*December 8, 2016*  
Date

Abatement Log No. 16-171



Office of the County Attorney

[www.douglas.co.us](http://www.douglas.co.us)

November 9, 2016

Patrick Sullivan  
Sullivan Valuation Services  
P.O. Box 664  
Evergreen, CO 80437

Reference Log Number: 16-171  
Account Number: R0478676  
Owner: CO13 Englewood LLC  
Address of Property: 349 Inverness Drive South

Dear Mr. Sullivan:

The Douglas County Assessor's Office has reviewed the abatement petition you filed for the above referenced Log Number 16-171 and is recommending denial of the petition for tax year 2015. The enclosed Transmittal Sheet provides details of the Assessor's decision. Please review the following options below and indicate your choice by initialing on the appropriate line.

- ☐ I wish to withdraw my petition thus ending any further appeal.
- ☒ I wish to take an Administrative Denial which allows me to proceed to a higher level of appeal.
- ☐ I wish to have a hearing of my petition before a referee appointed by the County Board of Commissioners. The hearing will be held on December 8, 2016 at 9:00 a.m.

Dated this 5<sup>th</sup> day of December, 2016.

This office must receive this form, completed and initialed by you, at least three (3) calendar days prior to the scheduled date of the hearing. You may scan and e-mail, fax or mail your request to me at:

Office of the County Attorney  
100 Third Street  
Castle Rock, CO 80104  
Fax No.: 303-484-0399  
E-mail: [ghancock@douglas.co.us](mailto:ghancock@douglas.co.us)



2015

## PETITION FOR ABATEMENT OR REFUND OF TAXES

County: DouglasDate Received \_\_\_\_\_  
(Use Assessor's or Commissioners' Date Stamp)

Section II Petitioner, please complete Section I only.

Date: July 8 2018  
Month Day Year

16-171

RECEIVED

JUL 18 2018

Douglas County  
Assessor's OfficePetitioner's Name: CO13 Englewood LLOPetitioner's Mailing Address: Sullivan Valuation Services (for CO13 Englewood LLO)MAIL: PO BOX 664Mail: PO Box 664EVERGREENCOLORADO80437

City or Town

State

Zip Code

SCHEDULE OR PARCEL NUMBER(S)  
RD476876PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY  
349 INVERNESS DRIVE SOUTH ENGLEWOOD

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for the property tax year 2018 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error, or overvaluation. Attach additional sheets if necessary.)

Taxes have been levied erroneously or illegally, due to erroneous valuation, clerical error or overvaluation. Petitioner relies upon the 2018 study posted acquisition price of \$16,242,000 less intangible property value of \$3,000,000, equals net acquisition price of \$13,242,000 as fair value. The intangible property value was reported at \$3,000,000 in 10-44 reporting to investors. The Assessor assigned an actual value of \$17,183,646 which overstates the market value of the real property components (land, building, improvements). See attached information for review.

Petitioner's estimate of value:

\$ 13,242,000 2016  
Value Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information, and belief, is true, correct, and complete.

Petitioner's Signature  
[Signature]  
By [Signature]  
Agent's Signature

Daytime Phone Number ( ) \_\_\_\_\_  
Email \_\_\_\_\_  
Daytime Phone Number (663 ) 276-0139 (Pat Sullivan)  
Email psullivan@sullivanex.us

\*Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-110, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.6(1), C.R.S.

| Section III   |        | Assessor's Recommendation<br>(For Assessor's Use Only) |       |
|---|--------|--|-------|
|   |        | Tax Year <u>2016</u>                                   |       |
|   | Actual | Assessed   | Tax   |
| Original  | _____  | _____  | _____ |
| Corrected   | _____  | _____  | _____ |
| Abate/Refund  | _____  | _____  | _____ |
| <input type="checkbox"/> Assessor recommends approval as outlined above.  |        |  |       |
| If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(b)(i)(D), C.R.S. |        |  |       |
| Tax year _____ Protest? <input type="checkbox"/> No <input type="checkbox"/> Yes (If a protest was filed, please attach a copy of the MOD.)   |        |  |       |
| <input type="checkbox"/> Assessor recommends denial for the following reason(s):  |        |  |       |
| <u>[Signature]</u><br>Assessor or Deputy Assessor's Signature   |        |  |       |

16-DPT-AR No. 020-02/16

DOUGLAS COUNTY ABATEMENT HEARING  
REFEREE WORKSHEET

Petitioner: Kan N. Lovett

Agent:

Property Address: 1070 Brookside Circle, Castle Rock

Abatement Number: 16-172

Assessor's Original Value: \$585,399 for tax year 2015.

Hearing Date: December 8, 2016

Hearing Time: 9:00 a.m.

1. The Douglas County Assessor was represented at the hearing by Dixie Kozinski.

2. The Petitioner was:

- a. ☐ present
- b. ☒ not present
- c. ☐ present/represented by
- d. ☐ not present/represented by

3. Assessor's Recommended Value: \$585,399 for tax year 2015.

Petitioner's Requested Value: Petitioner stated on her Petitioner "Not Sure."

4. Petitioner presented the following testimony and documents in support of the claim: Petitioner stated on the Petition for Abatement or Refund of Taxes: "feel tax is too high." Petitioner submitted no testimony or documents in support of the Petition.

5. The Assessor presented the following testimony and documents in support of the Assessor's position:

- a. ☐ data from sales of comparable properties which sold during the applicable time period; and /or
- b. ☒ valuation using the cost approach; and/or
- c. ☐ a valuation using the income approach; and/or
- d. ☒ other An undated for sale or lease flyer indicates an asking rental rate of \$8,000 per month triple net and an asking sale price of \$1,500,000; the flyer includes the 2015 taxes which indicates that the flyer is relevant to the 2015 actual value.

**THE REFEREE FINDS AND RECOMMENDS THAT THE PROPER CLASSIFICATION AND ACTUAL VALUE OF THE PROPERTY ARE:**

Classification: Commercial

Total Actual Value: \$585,399 for tax year 2015.

Reasons are as follows: Assessor submitted a cost approach that supported her determination of actual value. No evidence was submitted by Petitioner in support of the request for a reduction in actual value.

IT IS THEREFORE RECOMMENDED that for the above-stated reasons, the Petition for Abatement is:

- a. ☐ Approved and the value of the subject property is reduced as set forth in the Findings and Recommendations herein
- b. ☐ Approved in part as set forth in the Findings and Recommendations herein
- c. ☒ Denied after abatement hearing
- d. ☐ Administrative Denial is Granted

REFEREE:

s/ Karen Smith  
Name

December 8, 2016  
Date

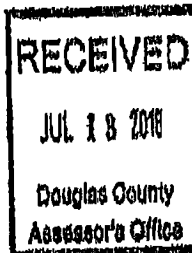
Abatement Log No. 16-172



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Office of the County Assessor  
Lisa Frizell, Assessor  
Phone 303-860-7400 Fax 303-476-9781



301 Wilcox Street  
Castle Rock, CO 80104

PETITION FOR ABATEMENT OR REFUND OF TAXES

County Douglas

Date

Received

Use Assessor's or Commissioners' Date Stamp

Section I: Petitioner, please complete Section I only.

Date: 7 to 2016  
Month Day Year

E-mail

Petitioner's Name: Karen Lovett

Petitioner's mailing address: 630 S. Roberts Dale way

Durango

CO

80017

City or Town

State

Zip Code

SCHEDULE OR PARCEL NUMBER(S)

R0425474

PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY

1070 Brookside Cr

Lot 3 Brookside Business Center

Petitioner states that the taxes assessed against the above property for property tax year 2015 are incorrect for the following reasons:  
(Briefly describe the circumstances surrounding the incorrect value or tax. Attach additional sheets if necessary.)

Field Tax is Too High

Petitioner's estimate of actual value \$

Value

Year

NOT Sure

Petitioner requests an abatement or refund of the appropriate taxes.

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information and belief, is true, correct and complete.

[Signature]  
Petitioner's Signature

Daytime Phone Number 720 876-9196

By [Signature]  
Agent's Signature

Daytime Phone Number ( )

\*Letter of agency must be attached when petition is submitted.

If the board of county commissioners, pursuant to section 39-10-114(1), or the property tax administrator, pursuant to section 39-2-116, denies the petition for refund or abatement of taxes in whole or in part, the petitioner may appeal to the board of assessment appeals pursuant to the provisions of section 39-2-125 within thirty days of the entry of any such decision. §39-10-114.8(1), C.R.S.

| Section II:   |  | Assessor's      | Recommendation       |
|---|--|-----------------|----------------------|
| (For  |  |                 | Assessor's Use Only) |
| Tax   | Year   |                 |                      |
| Original  | <u>Actual</u>  | <u>Assessed</u> | <u>Tax</u>           |
| Corrected   |  |                 |                      |
| Abate/Refund  |  |                 |                      |
| <input type="checkbox"/>  | Assessor recommends approval as outlined above.  |                 |                      |
| <input type="checkbox"/>  | No protest was filed for the year _____ (If a protest was filed, please attach a copy of the NOD.) |                 |                      |
| <input type="checkbox"/>  | Assessor recommends denial for the following reason(s):  |                 |                      |
| <u>[Signature]</u><br>Assessor's or Deputy Assessor's Signature |  |                 |                      |

DOUGLAS COUNTY ABATEMENT HEARING  
REFEREE WORKSHEET

Petitioner: Barry D. and Robyn Wyttenbach

Agent:

Property Address: 7386 Preservation Trail

Abatement Number: 16-178

Assessor's Original Value: \$2,190,908 for tax year 2015.

Hearing Date: December 8, 2016

Hearing Time: 10:00 a.m.

1. The Douglas County Assessor was represented at the hearing by Peggy Gulam.

2. The Petitioner was:

- a. ☐ present
- b. ☒ not present
- c. ☐ present/represented by
- d. ☐ not present/represented by

3. Assessor's Recommended Value: \$2,190,908 for tax year 2015.

Petitioner's Requested Value: \$2,320,000 for tax year 2015.

4. Petitioner presented the following testimony and documents in support of the claim: Petitioner submitted information regarding the average prices of homes in both the Colorado Golf subdivision and Castle Pines; and stated that the average asking price of homes in Castle Pines is \$4,321,000 and the average property taxes is \$25,092.. The subject property is located in Colorado Golf subdivision. Petitioner questions why the property taxes for homes located in Colorado Golf are higher than homes of higher value located in Castle Pines. Petitioner requests that the subject's property tax be reduced by a proportional amount as the tax for homes in Castle Pines of equal value to the subject property.

5. The Assessor presented the following testimony and documents in support of the Assessor's position:

- a. ☒ data from sales of comparable properties which sold during the applicable time period; and /or
- b. ☐ valuation using the cost approach; and/or
- c. ☐ a valuation using the income approach; and/or
- d. ☐ other

**THE REFEREE FINDS AND RECOMMENDS THAT THE PROPER CLASSIFICATION AND ACTUAL VALUE OF THE PROPERTY ARE:**

Classification: Residential

Total Actual Value: \$2,190,908 for tax year 2015.

Reasons are as follows: The Assessor's determination of actual value is supported by comparable sales. The Petitioner's requested value is higher than the Assessor's actual value on the subject property.

IT IS THEREFORE RECOMMENDED that for the above-stated reasons, the Petition for Abatement is:

- a. ☐ Approved and the value of the subject property is reduced as set forth in the Findings and Recommendations herein
- b. ☐ Approved in part as set forth in the Findings and Recommendations herein
- c. ☒ Denied after abatement hearing
- d. ☐ Administrative Denial is Granted

REFEREE:

s/ Karen Smith  
Name

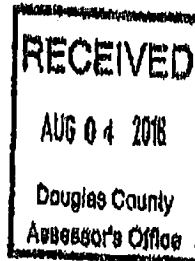
December 8, 2016  
Date

Abatement Log No. 16-178

| Transmittal Sheet |  |                          |  |               |  |                              |  |             |  | Abatement # |  | 16-178      |  | 2015        |  | Assessor's Findings:  |  | Assessor's Recommendation: |  |
|-------------------|--|--------------------------|--|---------------|--|------------------------------|--|-------------|--|-------------|--|-------------|--|-------------|--|---|--|----------------------------|--|
| Petitioner:       |  | BARRY & ROBYN WYTTENBACH |  |               |  |                              |  |             |  |             |  | Tax Year    |  | 2015        |  | Petitioner's concern is for the level of taxes as compared to others across town. No contest of actual valuation of subject property. Assessor's valuation is below that of the petitioner's estimate. Research and analysis of sales data support current valuation, appeal for abatement is denied. |  | Abatement Results          |  |
| Agent:            |  | Petitioner's Request     |  | Overvaluation |  | Petitioner's Requested Value |  | \$2,320,000 |  | Tax Rate    |  | 13.6214%    |  | 3174        |  |   |  |                            |  |
| Parcel            |  | Assmt                    |  | Assd          |  | Actual Val                   |  | Rate        |  | Value       |  | Tax Rate    |  | Tax Amount  |  | Refund  |  | Refund                     |  |
| Number            |  | Class                    |  | Actual Val    |  | Rate                         |  | Value       |  | Tax Rate    |  | Tax Amount  |  | Refund      |  | Refund  |  | Refund                     |  |
| R0465290          |  | 1112                     |  | \$330,000     |  | 7.96%                        |  | \$148,130   |  | 13.6214%    |  | \$3,578.34  |  | \$20,177.38 |  | \$23,755.72   |  |                            |  |
|                   |  | 1212                     |  | \$1,860,908   |  | 7.96%                        |  | \$148,130   |  | 13.6214%    |  | \$20,177.38 |  | \$23,755.72 |  |   |  |                            |  |
|                   |  |                          |  | \$2,190,908   |  |                              |  |             |  |             |  |             |  |             |  |   |  |                            |  |
|                   |  |                          |  | \$174,400     |  |                              |  |             |  |             |  |             |  |             |  |   |  |                            |  |
|                   |  |                          |  | \$23,755.72   |  |                              |  |             |  |             |  |             |  |             |  |   |  |                            |  |
|                   |  |                          |  | \$1,860,908   |  |                              |  |             |  |             |  |             |  |             |  |   |  |                            |  |
|                   |  |                          |  | \$148,130     |  |                              |  |             |  |             |  |             |  |             |  |   |  |                            |  |
|                   |  |                          |  | \$26,270      |  |                              |  |             |  |             |  |             |  |             |  |   |  |                            |  |
|                   |  |                          |  | 13.6214%      |  |                              |  |             |  |             |  |             |  |             |  |   |  |                            |  |
|                   |  |                          |  | \$3,578.34    |  |                              |  |             |  |             |  |             |  |             |  |   |  |                            |  |
|                   |  |                          |  | \$20,177.38   |  |                              |  |             |  |             |  |             |  |             |  |   |  |                            |  |
|                   |  |                          |  | \$23,755.72   |  |                              |  |             |  |             |  |             |  |             |  |   |  |                            |  |
|                   |  |                          |  | \$2,190,908   |  |                              |  |             |  |             |  |             |  |             |  |   |  |                            |  |
|                   |  |                          |  | \$174,400     |  |                              |  |             |  |             |  |             |  |             |  |   |  |                            |  |
|                   |  |                          |  | 7.96%         |  |                              |  |             |  |             |  |             |  |             |  |   |  |                            |  |
|                   |  |                          |  | \$1,860,908   |  |                              |  |             |  |             |  |             |  |             |  |   |  |                            |  |
|                   |  |                          |  | 1212          |  |                              |  |             |  |             |  |             |  |             |  |   |  |                            |  |
|                   |  |                          |  | \$1,860,908   |  |                              |  |             |  |             |  |             |  |             |  |   |  |                            |  |
|                   |  |                          |  | \$2,190,908   |  |                              |  |             |  |             |  |             |  |             |  |   |  |                            |  |
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|                   |  |                          |  |               |  |                              |  |             |  |             |  |             |  |             |  |   |  |                            |  |



Office of the County Assessor  
Lien Frizell, Assessor  
Phone 303-650-7450 Fax 303-479-9761



16-178

301 Wilcox Street  
Castle Rock, CO 80104

### PETITION FOR ABATEMENT OR REFUND OF TAXES

County DOUGLAS

Date 7/20/2016 Received \_\_\_\_\_  
Use Assessor's or Commissioners' Date Stamp

Section I: Petitioner, please complete Section I only.

Date: 07 20 2016  
Month Day Year

E-mail barry.wytenbach@gmail.com

Petitioner's Name: BARRY D. & ROBYN WYTENBACH

Petitioner's mailing address: 7386 PRESERVATION TRAIL

PARKER CO 80134

City or Town

State

Zip Code

SCHEDULE OR PARCEL NUMBER(S)

0465290

PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY

7386 PRESERVATION TRAIL, PARKER, CO 80134

Petitioner states that the taxes assessed against the above property for property tax year 2015 are incorrect for the following reasons:  
(Briefly describe the circumstances surrounding the incorrect value or tax. Attach additional sheets if necessary.)

See attached letter!

Petitioner's estimate of actual value \$ 2,329,000 2015  
Value Year

Petitioner requests an abatement or refund of the appropriate taxes.

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information and belief, is true, correct and complete.

Barry Wytenbach  
Petitioner's Signature

Daytime Phone Number 303 841-4477

By \_\_\_\_\_ Daytime Phone Number ( )  
Agent's Signature

\*Letter of agency must be attached when petition is submitted.

If the board of county commissioners, pursuant to section 39-10-114(1), or the property tax administrator, pursuant to section 39-2-116, denies the petition for refund or abatement of taxes in whole or in part, the petitioner may appeal to the board of assessment appeals pursuant to the provisions of section 39-2-126 within thirty days of the entry of any such decision, §39-10-114.6(1), C.R.S.

| Section II:              |   | Assessor's |       | Recommendation       |  |
|--------------------------|---|------------|-------|----------------------|--|
| (For                     |   |            |       | Assessor's Use Only) |  |
| Tax                      |   | Year       |       |                      |  |
|                          | Actual  | Assessed   | Tax   |                      |  |
| Original                 | _____   | _____      | _____ |                      |  |
| Corrected                | _____   | _____      | _____ |                      |  |
| Abate/Refund             | _____   | _____      | _____ |                      |  |
| <input type="checkbox"/> | Assessor recommends approval as outlined above.   |            |       |                      |  |
|                          | No protest was filed for the year: _____ (If a protest was filed, please attach a copy of the NOD.) |            |       |                      |  |
| <input type="checkbox"/> | Assessor recommends denial for the following reason(s): _____                                       |            |       |                      |  |

Roby Damisch  
Assessor's or Deputy Assessor's Signature