

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>JACOB KAMMERZELL,</p> <p>v.</p> <p>Respondent:</p> <p>WELD COUNTY BOARD OF EQUALIZATION.</p>	<p>▲</p>
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Jacob Kammerzell Address: 25090 WCR 15 Johnstown, Colorado 80534 Phone Number: (970) 587-2859 E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 37158</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on July 9, 2001, Debra A. Bambach, Janet W. Doll, and J. Russell Shaw presiding. Petitioner, Jacob Kammerzell, appeared pro se. Respondent was represented by Cynthia L. Giauque, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**22647 S2SE4 30 5 67 (5R)
(Weld County Schedule No. R1634186)**

Petitioner is protesting the 2000 actual value of the subject property, a frame farmhouse located at 6560 Weld County Road 52¼. The structure was built in 1909 and contains 900 square feet of living area.

ISSUES:

Petitioner:

Petitioner contends that the value established by the Respondent for this property is in excess of market value. Petitioner believes that the current valuation is inconsistent with past valuations by the county.

Respondent:

Respondent contends that prior years' valuations were the result of a computer error in the Petitioner's favor. That problem has been resolved but no attempt was made by the Respondent to retroactively revalue the Petitioner's property. The issue at hand is the 2000 valuation for the property. The property has been valued using standard appraisal practice and is reflective of market conditions for properties in the local rural market.

FINDINGS OF FACT:

1. Petitioner presented the appeal on his own behalf.
2. Based on the market approach, Petitioner presented an indicated value of \$34,742.00 for the subject property.
3. In his direct testimony, Petitioner presented no comparable sales. Through Petitioner's Exhibit 4, he did provide publicly available data with respect to the cost of manufactured housing. Those prices for basic construction ranged from \$22.11 to \$31.82 per square foot. Petitioner asserted that data relevant to manufactured housing is more reliable in rural areas than traditional market comparables. He testified that as shown by the data presented with respect to manufactured housing, he would agree to a market value for his structure based on no more than \$30.00 per square foot; that value being twice any valuation on the subject by the Respondent in the prior 5 years.
4. It was Mr. Kammerzell's position that of the three comparables used by Respondent to establish the value per the comparable sales approach, none represent the value of the subject. Two are located in a city and one is in a rural subdivision.
5. Petitioner pointed out a series of inconsistent valuations placed by the Respondent on the subject property for the past several years. He testified that Mr. Mike Sampson, of the Weld County Assessor's Office, had stated to him that a computer malfunction had created incorrect valuations for the subject property.
6. Under cross-examination the Petitioner testified he was not able to locate any comparable rural residential sales. He also acknowledged that the prices quoted for factory-built structures do not include costs related to foundations, utility hook ups, septic systems or the cost of the lot on which the structure will be built.

7. Through questioning from the Board, Petitioner testified that, though it is not currently occupied, the structure was occupied on January 1, 2000. An additional characteristic of the subject was that it has a small cellar. Regarding physical condition, Mr. Kammerzell testified that on the assessment date, the structure needed repairs to the roof and septic system. He further testified that the windows need to be replaced and that the last remodel to the kitchen was at least 10 years earlier. He was unable to provide any written estimates detailing the costs to cure those deficiencies.

8. Petitioner is requesting a 2000 actual value of \$34,742.00 for the subject property.

9. Respondent's witness, Mr. Michael Sampson, Chief Appraiser for the Weld County Assessor's Office, presented an indicated value of \$53,600.00 for the subject property based on the market approach.

10. Respondent's witness presented three comparable sales ranging in sales price from \$68,500.00 to \$124,500.00 and in size from 730 to 960 square feet. After adjustments were made, the sales ranged from \$49,590.00 to \$56,925.00.

11. Mr. Sampson utilized Respondent's Exhibit A, an appraisal report prepared by him, to demonstrate how the value for the subject was determined. The steps included researching the market to locate similar properties, deducting for value of the associated lot, and adjusting for any outbuildings. He then developed the adjustment grid located on page 10 of his report as numbered by the Board. His adjustments included consideration for the age, size, quality and condition of the structure, and the existence of amenities such as garages.

12. The Petitioner did not dispute the value of the underlying land. Consequently, Mr. Sampson did not directly address that value indicator other than to state that the value established was based on 2-acre rural home-sites in the Weld County market.

13. Mr. Sampson addressed the matter of the seemingly inconsistent valuations brought up by the Petitioner. He acknowledged that a problem with the Computer Assisted Mass Appraisal program (CAMA) had been discovered in 2000. He testified that the structure had been erroneously classified as being 1½ story. The CAMA system in use by the Weld County Assessor did not have an applicable table from which to draw a cost adjustment for a 1½ story structure the quality of the subject. Consequently, the subject had been significantly undervalued for several preceding years. He testified that the problem had been rectified throughout the county for the years beginning with 2000. He further testified that the county had made no attempt to retroactively revalue any of the properties affected throughout the county.

14. On the matter of the manufactured housing, Mr. Sampson testified that he found little relevance in that type housing as compared to the subject. He testified that the costs quoted in the marketing materials presented by the Petitioner did not include several other components necessary to make the structure habitable. He specifically mentioned the absence of installation costs.

15. In cross-examination, Mr. Sampson was questioned as to why three different values appeared in his exhibits. In his response, he acknowledged that the \$50,600.00 value indicated on the cover sheet of Exhibit A was a typographical error and should have read \$53,600.00. He further testified that valuations indicated throughout the remainder of the appraisal report were consistent with that value when adjusted for the existence of the outbuilding on the subject property.

16. Respondent assigned an actual value of \$53,163.00 to the subject property for tax year 2000.

CONCLUSIONS:

1. Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2000.

2. The Board is persuaded that even in its best attempts to utilize the CAMA program to establish consistent valuations throughout Weld County, the Respondent did not sufficiently consider the specific characteristics and condition of the subject property as of the assessment date. The Board believes that based on testimony of both parties, additional consideration should have been given to the differences between the subject and the comparables selected by the Respondent. In reviewing the comparables utilized by the Respondent, the Board finds that, although the Respondent attempted to account for differences in quality of construction within its valuation report, that adjustment did not sufficiently quantify the deficiencies to the subject pointed out by the Petitioner.

3. The Board believes an adjustment of an additional \$1,500.00 to account for differences in quality between low and fair construction to be reasonable. Two of the comparables selected by the Respondent were in a city with all public utilities available. Consequently, we have made an additional adjustment of \$3,500.00 in order to recognize that difference. Finally, we are convinced by Petitioner's testimony that there are several deferred maintenance items that need to be addressed. We believe a 5% or \$2,650.00 adjustment for condition to be sufficient in this instance. The aggregate adjustment of \$7,650.00 from the Respondent's assigned value of \$53,164.00 results in a valuation for the subject of \$45,514.00.

ORDER:

Respondent is ordered to reduce the 2000 actual value of the subject property to \$45,514.00, with \$28,369.00 allocated to land and \$17,145.00 allocated to improvements.

The Weld County Assessor is directed to change his records accordingly.

APPEAL:

Petitioner may petition the Court of Appeals for judicial review within 45 days from the date of this decision.

If Respondent alleges procedural errors or errors of law by this Board, Respondent may petition the Court of Appeals for judicial review within 30 days from the date of this decision.

DATED and MAILED this 1st day of August, 2001.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach
Debra A. Baumbach

Janet W. Doll
Janet W. Doll

J. Russell Shaw
J. Russell Shaw

This decision was put on the record

AUG 01 2001

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

Diane Von Dollen
Diane Von Dollen



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