

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>GORDON M. PEDERSEN,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>LARIMER COUNTY BOARD OF EQUALIZATION.</b></p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Gordon M. Pedersen Address: 2031 Mall Road Estes Park, CO 80517 Phone Number: (970) 577-8687 E-mail: Attorney Reg. No.:</p>	<p><b>Docket Number: 38897</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on December 12, 2001, Karen E. Hart and Mark R. Linné presiding. Petitioner, Gordon M. Pedersen, appeared pro se. Respondent was represented by Linda K. Connors, Esq.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**LOT 24 LESS TO U S A AS IN BK 859 PG 321, PK HILL  
(Larimer County Schedule No. R0563137)**

Petitioner is protesting the 2001 actual value of the subject property. The subject is a residential single family dwelling of frame construction. The property consists of 2,940 square feet, and was constructed in 1938. The dwelling features a lake view and is configured with three bedrooms and four baths. The property is situated on a site that comprises 3.68 acres. The property is situated at 2031 Mall Road, in Estes Park, Colorado.

## **ISSUES:**

### **Petitioner:**

Petitioner contends that the subject property has been overvalued, and contends that the Respondent did not quantify deficiencies in his house in comparison to the comparable sales. Additionally, the quality of the comparables is lacking. They are located too far away. The condition of the house is a problem. His comparable sale is more appropriate.

### **Respondent:**

Respondent contends that the subject property has been correctly valued. The comparable sales used are the most similar to the subject in size, style, quality, and market appeal.

## **FINDINGS OF FACT:**

1. Mr. Gordon M. Pedersen, Petitioner, presented the appeal on his own behalf.
2. Based on the market approach, Petitioner presented an indicated value of \$335,000.00 for the subject property.
3. The Petitioner testified that the subject property has gotten behind in maintenance. The property lacks modern design and amenities. Comparables provided by realtors indicated a value for his property of \$335,000.00, but he admitted that it was difficult to find good comparables.
4. The witness testified under cross-examination that the property is insured for \$335,000.00, without consideration for the land.
5. The witness testified with respect to the changes that had occurred to the dwelling over time. The property had been remodeled in 1950. A bedroom was added, and an outdoor fireplace was added as well. The kitchen was also updated at that time.
6. Petitioner is requesting a 2001 actual value of \$335,000.00 for the subject property.
7. Respondent's witness, Linda L. Arnett, a Colorado Certified General Appraiser with the Larimer County Assessor's Office, presented an indicated value of \$403,100.00 for the subject property based on the market approach.
8. Respondent's witness presented three comparable sales ranging in sales price from \$305,000.00 to \$420,000.00 and in size from 1,258 square feet to 2,613 square feet. After adjustments were made, the sales ranged from \$413,598.00 to \$573,701.00.

9. The witness testified that she physically inspected the subject property in November 2001.

10. The witness described the subject property as having excellent views of Lake Estes and the mountains to the west. The property is a good quality residence, and has a large amount of flagstone on the bottom half of the structure. The property consists of 2,940 square feet of finished area, and includes a basement that is mostly finished. The property has a garage containing a total of 862 square feet. The property was constructed in 1938 and was remodeled in 1950, at which time the kitchen was remodeled and a bedroom was added.

11. Ms. Arnett testified that the subject property is one of the very few residences that is located along the lake.

12. With respect to the comparable sales, the witness detailed the difficulty in obtaining good comparables that have similar locational attributes. She used a comparable in Loveland, which was located on a busy street that was on Lake Loveland. The property was built in 1956 and is similar to the subject.

13. The witness testified that Comparable #2 was built in 1967, and is relatively close to the subject. It is also a ranch-style home, with similar square footage in comparison to the subject. Comparable Sale #3 was a dwelling that was owned by the founding family of the YMCA property in Estes Park. This dwelling, while surrounded by the YMCA property, was sold in a separate transaction. The property was constructed in 1921.

14. The witness testified that she had applied appropriate adjustments to all of the comparable sales for location and physical characteristics.

15. The witness testified that residential land is rising in value. The greater the amount of land, the higher the sales price for residential properties. The final value conclusion is below the indicated value from the comparable sales, and thus supports the value assigned to the subject.

16. The witness testified that she examined the sales submitted by the Petitioner and after applying the appropriate adjustments, the adjusted values were indicated as \$441,610.00 for Comparable Sale #1, and \$378,747.00 for Comparable Sale #2.

17. Under cross-examination, the witness agreed that the house has an unusual shape.

18. Ms. Arnett testified that she did not agree that three out of the four views were poor.

19. The witness testified that Comparable #1 is located approximately 30 miles from the subject. She agreed that the subject does not have direct access to the water.

20. The witness testified that she believes that Comparable #3 was an arm's-length transaction and that even though large adjustments for size were made, she still felt that it was a good comparable.

21. The witness testified with respect to the methodology she employed in the adjustments made to the Petitioner's two submitted comparable sales, and indicated that she made no adjustments for age.

22. The witness testified under redirect examination that the comparables submitted by the Petitioner were much newer than the subject, and she felt that the comparables were not good.

23. The witness testified under recross-examination that Petitioner's Comparable #2, located near Mary's Lake, does not have a lake view in that the distance between the lake and the house was perhaps one mile away.

24. In response to questions from the Board, the witness testified that she had not made an upward adjustment for the land size differential for Respondent's Comparable Sale #3.

25. The witness indicated that Petitioner's Comparable Sale #2 had an inferior view amenity in comparison to the subject.

26. Respondent assigned an actual value of \$403,100.00 to the subject property for tax year 2001.

## **CONCLUSIONS:**

1. Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2001.

2. The Board has carefully considered all admitted evidence and testimony and has affirmed the Respondent's value. The Respondent presented three comparable sales supporting the assigned value conclusion. The adjustments made to the sales are reasonable and take into consideration any differences. The Board notes the difficulty in finding comparable sales that have similar physical and locational characteristics. Given this difficulty, the Respondent was able to identify sales that were capable of providing reasonable insight into the nature of value as it pertained to the subject.

3. The Board could give little weight to the comparable sales presented by the Petitioner. There was no calculation breakdown of the adjustments made. The two sales presented are from outside the market area. There was no evidence presented to indicate if the lower sale prices of these sales resulted from the location differences or any differences in quality and amenities.

4. The Board acknowledges that there is a minimal amount of deferred maintenance that impacts the subject, specifically the need for exterior painting. The Board concludes that this deficiency is relatively insignificant among the characteristics that contribute to value. The general physical characteristics and lake location are such that they drive the preponderance of the subject's value.

5. The Respondent's assigned value does take into consideration all of the factors affecting the overall valuation. The assigned value is supported and is affirmed based on the evidence and testimony presented to the Board for consideration.

**ORDER:**

The petition is denied.

**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 31<sup>st</sup> day of January, 2002.

**BOARD OF ASSESSMENT APPEALS**

*Karen E. Hart*

Karen E. Hart

*Mark R. Linné*

Mark R. Linné

This decision was put on the record

JAN 30 2002

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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