

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>CARL E. RICHARD LIVING TRUST,</p> <p>v.</p> <p>Respondent:</p> <p>DENVER COUNTY BOARD OF EQUALIZATION.</p>	▲
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Carl E. Richard Address: 4616 Raleigh Street Denver, Colorado 80212-2561 Phone Number: (303) 964-8944 E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 39551</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on February 5, 2002, Mark R. Linné and Debra A. Baumbach presiding. Petitioner appeared pro se via telephone conference. Respondent was represented by Laurie J. Heydman, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**LOTS 20 & 21 & S 2' OF LOT 19, BERKELEY PARK GARDENS
(Denver County Schedule No. 02191-08-010-000)**

Petitioner is protesting the 2001 actual value of the subject property, a brick story and a half tudor-style home built in 1905. There is approximately 2,119 square feet of living area with a 565 square foot partially finished basement. The home is comprised of three bedrooms and two bathrooms. The subject is located within "Berkeley Park Gardens" subdivision in Denver.

ISSUES:

Petitioner:

Petitioner contends that the subject property has been overvalued. The Respondent has not considered all the factors affecting the subject. The Respondent has not adjusted for all the deficiencies regarding the subject. The comparable sales used by the Respondent all reflect a higher value.

Respondent:

Respondent contends that the subject has been correctly valued using the market comparison approach. Any factors affecting the subject have been addressed and adjusted for. All the sales selected are considered to be from the same market area and similar in size, style, quality, and market appeal.

FINDINGS OF FACT:

1. Mr. Carl E. Richard, Petitioner, presented the appeal on his own behalf.
2. Based on the market approach, Petitioner presented an indicated value of \$241,600.00 for the subject property.
3. Petitioner presented three comparable sales ranging in sales price from \$174,900.00 to \$235,000.00 and in size from 1,608 to 1,826 square feet. After adjustments were made, the sales ranged from \$206,900.00 to \$213,400.00.
4. Mr. Richard testified that the sales he selected are located within closer proximity to the subject and are more recent than the sales selected by the Respondent. Adjustments were made for time and differences in characteristics. The comparable sales were selected and adjusted with the assistance of Mr. Galen Eby, a Realtor from the area.
5. Mr. Richard testified that the Respondent has not considered all the deficiencies in the subject property. The subject is an old dwelling, with sparse landscaping and overgrown trees. The kitchen and bathrooms have limited updating, and the electrical and plumbing is below standard. All the bedrooms have limited closet space and are small. The hardwood flooring is worn, scratched, and the ceramic tile is cracked. The interior has the original plaster walls with some leaks and seepage.
6. Petitioner is requesting a 2001 actual value of \$241,600.00 for the subject property.
7. Respondent's witness, Mr. Richard Armstrong, an Appraiser with the Denver County Assessor's Office, presented an indicated value of \$280,000.00 for the subject property, based on the market approach.

8. Respondent's witness presented three comparable sales ranging in sales price from \$248,000.00 to \$267,000.00 and in size from 1,477 to 1,904. square feet. After adjustments were made, the sales ranged from \$276,214.00 to \$304,473.00.

9. Mr. Armstrong testified that, according to the property profile records, the subject was remodeled in the mid 1990s. The property was rated in "good condition," and an interior inspection of the subject was performed approximately four years ago. There was no indication at that time that the subject was in below average condition. The comparable sales selected are similar in quality, condition, and market appeal. All the sales selected are considered to be from the same market area. There were no sales available with similar square footage within the area during the base period.

10. Mr. Armstrong further testified regarding the comparable sales presented by the Petitioner. The adjustment calculations were not considered to be supportable or consistent. The assigned value placed on the subject is lower than the indicated value addressed in the appraisal report. This would take into consideration any additional issues regarding the subject property.

11. Respondent assigned an actual value of \$267,800.00 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 in physical characteristics.

3. The Board could give little weight to the comparable sales presented by the Petitioner. The Board recognizes that adjustments were applied with regard to the differences; however, there was no calculation breakdown of the adjustments to determine how the adjustment figures were derived. There were no interior photos presented for the Board's consideration exhibiting the overall quality and condition issues presented by the Petitioner. There was no persuasive testimony or evidence presented indicating that the overall condition and degree of amenities are below the standard in that area.

4. The Respondent's assigned value has taken into consideration any factors affecting the overall valuation. The assigned value is well supported and is affirmed based on the testimony and evidence presented to the Board for consideration.

ORDER:

The petition is denied.

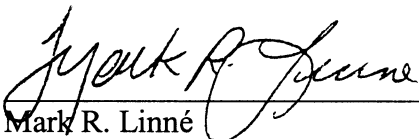
APPEAL:

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

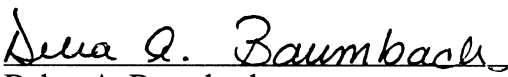
If Respondent alleges procedural errors or errors of law by this Board, Respondent may petition the Court of Appeals for judicial review within 30 days from the date of this decision.

DATED and MAILED this 21st day of March, 2002.

BOARD OF ASSESSMENT APPEALS



Mark R. Linné




Debra A. Baumbach

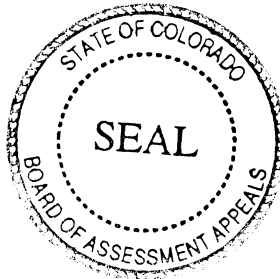
This decision was put on the record

MAR 20 2002

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



Diane Von Dollen



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