

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>RONALD L. WILSON</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION</p>	▲
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Ronald L. Wilson Address: 4 Desert Willow Lane Littleton, CO 80127 Phone Number: (303) 921-0876 E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 39703</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on February 25, 2002, Karen E. Hart and Steffen A. Brown presiding. Petitioner appeared pro se. Respondent was represented by Martin E. McKinney, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**LOT 29 KEN CARYL RANCH THE VALLEY F #1
(Jefferson County Schedule No. 106749)**

Petitioner is protesting the 2001 actual value of the subject property, a two-story home built in 1983, with 3,147 square feet of living area, a 1,080 square foot basement, which is partially finished, 4 bedrooms, 3.5 baths, 2 fireplaces, a wood deck and a 3-car garage.

ISSUES:

Petitioner:

Petitioner contends that the subject property is overvalued, that the assessor did not take into consideration that his site is the second smallest in the subdivision, and that it was compared to more custom-type homes.

Respondent:

Respondent contends that the property has been correctly valued based on comparable market data.

FINDINGS OF FACT:

1. Petitioner, Mr. Ronald L. Wilson, presented the appeal on his own behalf. Based on the market approach and using the Respondent's comparables incorporated into Petitioner's Exhibit A, Petitioner presented an indicated value of \$367,000.00 for the subject property.

2. Mr. Wilson testified that not many homes have sold in his area during the valuation time frame.

3. Petitioner testified that his house is on an interior lot and is the second smallest lot in the area. Mr. Wilson described his home as semi custom.

4. Mr. Wilson testified that the assessor ignored or did not adjust enough in the comparable sales analysis the interior upgrades such as hardwood flooring, pantries, walkout basement, and backing to open space.

5. Petitioner described Respondent's Comparable 1 as being a ranch-style home, which is unique in the area, making it more valuable. It has a walkout basement, a cul-de-sac location, a whirlpool tub, and views.

6. Mr. Wilson testified that Comparable 2 is a close comparison to his home, has less square footage, has a view, and is on a cul-de-sac.

7. He described Comparable 3 as similar to his home but it has many exceptions, which would increase the value such as backing to 50 acres of open space, being on a cul-de-sac, having a turret with spiral staircase, and wood floors.

8. Mr. Wilson testified that Comparable 4 is a newer custom home with 80% brick on the front, a view from the back, oversized windows, and additional features.

9. Petitioner is requesting a 2001 actual value of \$367,000.00 for the subject property.

10. Respondent's witness, Mr. Jack N. Blackstock, a Certified General Appraiser with the Jefferson County Assessor's Office, presented a revised indicated value of \$416,500.00 for the subject property based on the market approach.

11. Respondent's witness presented four comparable sales ranging in sales price from \$294,500.00 to \$369,000.00 and in size from 2,352 square feet to 3,014 square feet. After adjustments were made, the sales ranged from \$367,100.00 to \$459,020.00.

12. Mr. Blackstock testified that he made a physical exterior inspection of the property.

13. Mr. Blackstock described the subject as being above average in construction.

14. Mr. Blackstock testified that four comparable sales were used. He pointed out an error showing Comparable #1 with no walkout basement. He then submitted Respondent's Exhibit #2, which correctly reflects the walkout.

15. Mr. Blackstock testified that Comparable #3 is the most similar, since it is the same model as the subject property, with some differences.

16. Mr. Blackstock testified that only Comparable #1 was adjusted for land size, since it was on a large pie-shaped lot, and only Comparable #3 was adjusted for backing to open space.

17. Respondent assigned an actual value of \$436,180.00 to the subject property for the tax year 2001, but is recommending that the value be reduced to \$416,500.00.

18. In cross-examination, Mr. Wilson asked Respondent if upgrades such as hardwood flooring, pantries, et cetera, had any effect on value and Respondent testified that it was captured in the quality classification and square footage values.

19. The Board asked Respondent if there is a style adjustment between a ranch and two story and his response was no. Other questions from the Board addressed adjustments for view and/or open space, and Respondent testified that these adjustments could be in combination or a separate adjustment. The square footage adjustment is \$45.00, open space is 3%, and a view adjustment would be up to 25%.

CONCLUSIONS:

1. Sufficient probative evidence and testimony was presented to prove that the subject property was incorrectly valued for tax year 2001.

2. The Petitioner did not supply additional comparable sales and relied upon those prepared and presented by Respondent's witness, Mr. Jack N. Blackstock, but did remark on each, stating opinions as to the quality of the adjustments.

3. The Board would agree with the Petitioner's observation that the use of a ranch-style home may not be comparable to the subject property, but does not agree with the Petitioner that Comparable 2 is the most similar since it is a 1.5-story home and is smaller than the subject property.

4. The Board does agree with both the Respondent and Petitioner that Sale 3 is a similar home as the subject. However, the Board further agrees with the Petitioner that it has a superior view or location backing to open space that is protected from development, and this affords privacy, views, and a perceived tranquility, and the Respondent did not adjust enough for these attributes. The Board recalculated the adjusted sales price of Comparable Sale 3 to reflect the superior location, but finds that this correction has no effect on the final value conclusion as recommended by the Respondent.

5. After careful consideration of all the presented testimony and evidence, the Board affirms Respondent's recommended value of \$416,500.00.

ORDER:

Respondent is ordered to reduce the 2001 actual value of the subject property to \$416,500.00.

The Jefferson 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.