


<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>ANN L. FOSTER AND J. DIANE SILVER,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>JEFFERSON COUNTY BOARD OF EQUALIZATION.</b></p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: J. Diane Silver and Ann L. Foster Address: 16842 West 74<sup>th</sup> Avenue Arvada, Colorado 80007 Phone Number: (303) 423-2194 E-mail: Attorney Reg. No.:</p>	<p><b>Docket Number: 39857</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on July 8, 2002, Steffen A. Brown and Debra A. Baumbach presiding. Petitioner appeared pro se. Respondent was represented by Lily Offler, Esq. ACA.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**Lot 1, Block 5 Quaker Acres Sub Section 35 Township 02, Range 70  
County of Jefferson known as 16842 West 74<sup>th</sup> Avenue, Arvada,  
Colorado (Jefferson County Schedule No. 130396**

Petitioner is protesting the 2001 actual value of the subject property. The subject is a frame and brick veneer split-level home constructed in 1976 and added to the tax rolls January 1, 1977. The subject is comprised of three bedrooms, three bathrooms and a fireplace. There is an oversized two-car garage.

## **ISSUES:**

### **Petitioner:**

Petitioner contends that the subject property has been overvalued. The comparable sales used by the Respondent do not reflect the subject. The Respondent has made an error on the gross living area, therefore indicating erroneous adjustments.

### **Respondent:**

Respondent contends that the subject has been correctly valued using the market comparison approach. All the sales selected are similar to the subject in size, style, quality and condition. Any factors affecting the subject have been adjusted and addressed. The value conclusion is well supported.

## **FINDINGS OF FACT:**

1. Ms. Diane Silver, Petitioner, presented the appeal on her own behalf.
2. Based on the market approach, Petitioner presented an indicated value of \$250,000.00 for the subject property.
3. Petitioner presented four comparable sales ranging in sales price from \$250,000.00 to \$284,000.00 and in size from 1,906 to 2,145 square feet. After adjustments were made, the sales ranged from \$287,000.00 to \$331,000.00.
4. Ms. Silver testified that she believes the methodology used by the Respondent in the valuation process is incorrect in relation to the valuation of the subject. It appears from what could be determined from the comparable sales, that each comparable was adjusted from the date of sale to June 30, 2000 and then divided by the square footage to provide a price per square foot for each home.
5. Ms. Silver testified in determining the value for the subject property a price per square foot calculation was applied to the comparable sales. The time adjustment calculation used by the Respondent appeared to be 1.15% per month. However, after examination of the sales 1% appeared to be a more reasonable adjustment. The gross living area calculation is believed to be 1,755, not 1,781 as reported by the Respondent. Adjustments were made to the comparable sales for differences in characteristics. There were additional sales used of a ranch, two-story and split-level home which provided for additional support.
6. Ms. Silver testified that the subject property is one of the smallest in this neighborhood. There is a partial basement and crawl space. The basement is partially finished, however it is not finished for living area. The home is outdated and the roof is at least 14 years old. The garage is not oversized and does not have adequate room for two cars. The heating system consists of gas hot water heat and there is an evaporative cooler. The heating system and cooling system are at least 20 years old. There is an enclosed porch area with no heat, electrical or insulation.

7. Ms. Silver testified that based on the price per square foot used by the Respondent, and the other factors affecting the overall value the indicated value should be \$250,000.00.

8. Petitioner is requesting a 2001 actual value of \$250,000.00 for the subject property.

9. Respondent's witness, Mr. Jack Blackstock, a Certified General Appraiser with the Jefferson County Assessor's Office, presented an indicated value of \$310,000.00 for the subject property, based on the market approach.

10. Respondent's witness presented four comparable sales ranging in sales price from \$250,000.00 to \$284,000.00 and in size from 1,906 to 2,145 square feet. After adjustments were made, the sales ranged from \$295,140.00 to \$317,500.00.

11. Mr. Blackstock testified that the subject is an average quality home constructed in 1976. The subject is a split-level design with a partially finished basement. There are three bedrooms, three bathrooms and a fireplace. The exterior is comprised of frame with brick veneer and lap siding. The roofing is wood shake shingles.

12. Mr. Blackstock testified that due to a fence and dog located in the back yard at the time of inspection, the square footage could not be verified for any discrepancies. The front of the subject was measured and the front to back measurement was obtained from the property profile information.

13. Mr. Blackstock testified that the comparable sales used were all split-level homes similar in age, quality, size and condition. The overall square footage of the subject was not the primary basis for determining the value. The other physical characteristics were addressed and adjusted for to arrive at the final value.

14. Mr. Blackstock testified that after all the adjustments were made to the comparable sales the indicated value was \$310,000.00. The assigned value further takes into consideration any discrepancies in the square footage and other factors affecting the subject property.

15. Respondent assigned an actual value of \$296,900.00 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 conclusion. The adjustments made to the sales are reasonable and take into consideration any differences in physical characteristics.

3. The Board does not agree with the Petitioner's price per square foot methodology in the valuation of the subject property. The adjustments made to the sales for other physical characteristics were based on the methodology used by the Respondent. However, none of these adjustments were itemized and how it concluded to the value. The Petitioner's value conclusion based on this methodology concluded to a higher value. Additionally, there was no evidence or testimony presented by the Respondent that this methodology was considered or used.

4. The Petitioner raised the issue over the discrepancy in the gross living area calculated by the Respondent. There is approximately a 26' difference between the Petitioner and Respondent's calculation. The Board recommends the Petitioner allow the Assessor's office to properly measure the subject property and make the necessary changes if any to the records.

5. The Respondent's assigned value takes into consideration any factors affecting the subject property. The assigned value is supported and is affirmed based on the evidence provided to the Board for consideration.

**ORDER:**

The petition is denied.

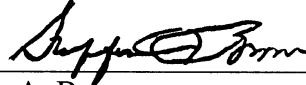
**APPEAL:**

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

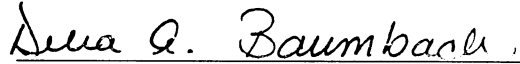
If Respondent alleges procedural errors or errors of law by this Board, Respondent may petition the Court of Appeals for judicial review within 30 days from the date of this decision.

DATED and MAILED this 17<sup>th</sup> day of August, 2002.

**BOARD OF ASSESSMENT APPEALS**



Steffen A. Brown

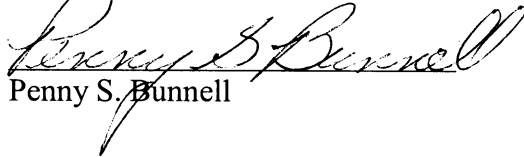


Debra A. Baumbach

This decision was put on the record

**AUG 16 2002**

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



Penny S. Bunnell

