

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>BEVERLY DEHNING,</p> <p>v.</p> <p>Respondent:</p> <p>BOULDER COUNTY BOARD OF EQUALIZATION.</p>	▲
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Lyle E. Dehning Address: 1835 Faith Place Longmont, Colorado 80501 Phone Number: (303) 776-5451 E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 39994</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on February 12, 2002, Mark L. Linné and Debra A. Baumbach presiding. Mr. Lyle E. Dehning appeared on behalf of the Petitioner, Ms. Beverly Dehning.. Respondent was represented by Robert R. Gunning, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**LOTS 1 & 3 PANORAMA HEIGHTS REPLAT A
(Boulder County Schedule No. 0078029 01)**

Petitioner is protesting the 2001 actual value of the subject property, a brick, ranch-style home built in 1981. There is 1,887 square feet on the main floor comprised of two bedrooms and one full bathroom. There is a 1,887 square foot basement with 1,698 square feet of finish, and a two-car garage.

ISSUES:

Petitioner:

Petitioner contends that the subject has been overvalued. The comparable sales the Respondent relied on are not considered to be from the same market area and not comparable to the subject.

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 considered to be similar to the subject.

FINDINGS OF FACT:

1. Mr. Lyle Dehning, Agent, appeared as a witness and presented the appeal on behalf of Petitioner.

2. Based on the market approach, Petitioner presented an indicated value of \$200,000.00 to \$220,000.00 for the subject property.

3. Petitioner presented three comparable sales ranging in sales price from \$158,600.00 to \$180,000.00 and in size from 1,869 to 2,000 square feet. There were no adjustments made to any of the sales.

4. Mr. Dehning testified that location is critical in the valuation of the subject. The assessor's office has indicated that the subject is located in an area referred to as "Old Longmont." The comparable sales used by the Respondent are located in this area reflecting much higher values. The homes in this area are also representative of superior quality homes. The subject is not located in this area and do not reflect the values or quality of this area.

5. Mr. Dehning testified the comparable sales used by the Respondent are all superior to our home in the quality and construction. The subject only has one bedroom and an office on the main level. There are two bathrooms, one located on the main level and the other located in the basement. There is also an attached two-car garage. There has been minimal remodeling to the home.

6. Mr. Dehning testified that he selected sales within the same area as the subject that are more reflective of the values in the area. The subject is one of the nicer homes in the area, however, not to the extent of the comparable sales used by the Respondent.

7. Petitioner is requesting a 2001 actual value of \$200,000.00 to \$220,000.00 for the subject property.

8. Respondent's witness, Mr. Doug Wright, an Appraiser with the Boulder County Assessor's Office, presented an indicated value of \$291,000.00 for the subject property based on the market approach.

9. Respondent's witness presented three comparable sales ranging in sales price from \$262,500.00 to \$319,000.00 and in size from 2,106 to 2,408 square feet. After adjustments were made, the sales ranged from \$290,300.00 to \$350,500.00.

10. Mr. Wright testified that the subject property was valued using the market comparison approach. A physical inspection was performed on the subject property on January 28, 2002.

11. Mr. Wright testified that the subject property is located in "Old South Longmont." The subject is located in the Panorama Heights subdivision. The close proximity of the homes in this area to Sunset Golf course is considered to be an enhancement to the overall value.

12. Mr. Wright testified that the comparable sales used are considered to be from the same market area and share similar proximity to the golf course. All of the sales share similar quality of construction as the subject. Adjustments were made for any differences in characteristics and paired sales were analyzed to derive an adjustment for golf course location.

13. Mr. Wright testified in regard to the comparable sales used by the Petitioner. The sales are not similar in condition and quality. There were no adjustments made to any of sales for differences in characteristics and location.

14. Respondent assigned an actual value of \$291,000.00 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 all the differences in physical, location and condition characteristics affecting the value.

3. The Board could give little weight to the comparable sales presented by the Petitioner. There were no adjustments made to any of the sales for any differences in physical characteristics, location and quality. There was no persuasive evidence or testimony presented indicating the overall quality of construction and degree of amenities to be below the standard in the area. The Board was only provided with speculation on the amenity upgrades and quality of the comparables utilized within the analysis by the Petitioner's witness. There was no evidence presented that the sales used by the Respondent are located in a different market area and reflect a superior value and quality.

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.

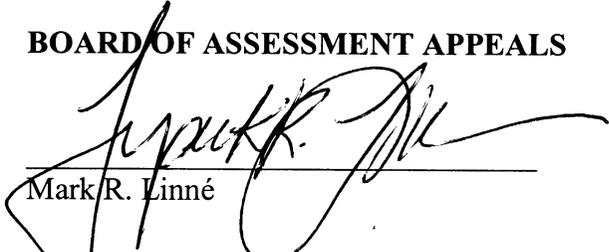
APPEAL:

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 27th day of March, 2002.

BOARD OF ASSESSMENT APPEALS



Mark R. Linné

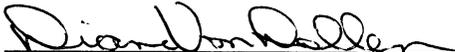


Debra A. Baumbach

This decision was put on the record

MAR 26 2002

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



Diane Von Dollen 39994.02

