

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>RICHARD P. BERNE,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	<p>▲</p>
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Richard P. Berne Address: 11 Mallard Circle Somers, CT 06071 Phone Number: (860) 749-4485 E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 40068</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on July 10, 2002, Steffan A. Brown and Debra A. Baumbach. Petitioner appeared pro se. Respondent was represented by Jennifer Pielsticker Esq., Assistant Jefferson County Attorney.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**15315 Swiss Road Switzerland Village, Sub 737600 Lot 27, Sec 16,
Twn 07 Rng 71
(Jefferson County Schedule Number 100707)**

Petitioner is protesting the 2001 actual value of the subject property, a ranch style home constructed in 1994. The subject is comprised of three bedrooms, two and one-half bathrooms and a wood stove. There is no basement and attached two-car garage.

ISSUES:

Petitioner:

Petitioner contends that the subject has been overvalued. The degree of appreciation in the market has been overstated.

Respondent:

Respondent contends that the subject has been correctly valued. The comparable sales reflect the market trends in the area and adjustments were made to the sales for any differences.

FINDINGS OF FACT:

1. Mr. Richard P. Burne, Petitioner, presented the appeal on his own behalf.
2. Based on the market approach, Petitioner presented an indicated value of \$262,400.00 for the subject property.
3. The Petitioner did not present any comparable sales for consideration. The value conclusion was based upon a rate of appreciation derived from three different appraisals at different times. The most recent appraisal was performed just slightly outside the base period; however, does reflect the rate of appreciation in the market area.
4. Mr. Burne testified that the Respondent has assessed the subject property over 130% in one year. The computer generated comparable sales used by the Respondent are overstated and do not reflect market trends in the area.
5. Mr. Burne testified that Respondent's sale 2; 15372 Grenchen Drive is located 50 feet from the subject and constructed by the same builder as the subject. This sale sold in May of 2000 for \$298,000.00 and then again in 2002 for \$299,000.00. The rate of appreciation is not close to the rate used by the Respondent. Sales of similar homes within close proximity of the subject are selling for less than what the subject was valued for. Homes in the area valued at the value range set by the Respondent are larger and contain a higher degree of amenities.
6. Under cross-examination, Mr. Burne testified that the appraisals performed were for lending purposes only and no time trending adjustments were made on any of the sales.
7. Petitioner is requesting a 2001 actual value of \$262,400.00 for the subject property.
8. Respondent's witness, Mr. Jack N. Blackstock, a certified general appraiser with the Jefferson County Assessor's Office, presented an indicated value of \$351,500.00 for the subject property, based on the market approach.

9. Respondent's witness presented three comparable sales ranging in sales price from \$290,000.00 to \$344,900.00 and in size from 1,890 to 2,279 square feet. After adjustments were made, the sales ranged from \$327,000.00 to \$392,870.00.

10. Mr. Blackstock preformed an appraisal on the subject property. There was no interior or exterior inspection done. Information regarding the subject was relied upon from the property profile.

11. Mr. Blackstock testified that the comparable sales that were selected are similar in size, style, quality, and market appeal. Comparable sales 1 and 2 are located directly across the road and comparable sale 3 is located 1.5 miles southeast. Adjustments were made for any differences in physical characteristics.

12. Mr. Blackstock testified that the value is not based on a rate of appreciation. There are other factors that need to be addressed in determining the value based upon sales that have taken place in the market area.

13. Mr. Blackstock testified that the assigned value is well supported and the adjustments made to the comparable sales are reasonable. The assigned value takes into consideration any factors affecting the property.

14. Respondent assigned an actual value of \$320,000.00 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 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 Petitioner raised the issue over the level of appreciation that appeared to be present in the market area and the differences in the assessment levels from previous years. The Board can consider assessment data as supportive to the value conclusion. However, the Board is prohibited from considering assessment data in determining the value exclusively. The Petitioner did not present the Board with any comparable sales during the base period to refute the Respondent's value. The appraisal values presented by the Petitioner are all outside the base period and several adjustments required by the Assessor's office were not addressed. The value requested by the Petitioner is based entirely on an appreciation factor and not comparable sales within the base period.

4. The Petitioner can understand how perplexing the valuation process can be determining assessment levels. The Assessor's office is required by law to follow guidelines set forth by the Division of Property Taxation and Colorado state statutes. The Respondent's assigned value takes into consideration all the factors affecting the overall valuation. The

assigned value is well documented, supported and is affirmed based on all the evidence and testimony presented.

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 30th day of August, 2002.

BOARD OF ASSESSMENT APPEALS



Steffen A. Brown



Debra A. Baumbach

This decision was put on the record

 AUG 29 2002

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



Penny S. Bunnell

