

BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203 <hr/> Petitioner: DAVID R. TARUM, v. Respondent: JEFFERSON COUNTY BOARD OF EQUALIZATION.		
Attorney or Party Without Attorney for the Petitioner: Name: David R. Tarum Address: 23695 Currant Drive Golden, Colorado 80401 Phone Number: (303) 526-2813		Docket Number: 42833
ORDER		

THIS MATTER was heard by the Board of Assessment Appeals on May 21, 2004, Rebecca A. Hawkins and Diane M. DeVries presiding. Petitioner appeared pro se. Respondent was represented by Eugene Mei, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**23695 Currant Drive, Golden, Colorado
(Jefferson County Schedule No. 142158)**

Petitioner is protesting the 2003 actual value of the subject property, a two-story home containing 3,465 square feet of living area with a 2,217 square foot walkout basement built in 1988. The subject property has four bedrooms, two and one-half baths, one fireplace, a hot tub and a three-car attached garage.

ISSUES:

Petitioner:

Petitioner contends that the subject property is overvalued due to the great disparity in the sales in the subject neighborhood. He believes that more adjustments should be made for open space and views of the comparable sales.

Respondent:

Respondent contends that the subject property has been correctly valued based on comparable sales within the subject neighborhood.

FINDINGS OF FACT:

1. David R. Tarum, Petitioner, presented the appeal on his own behalf.
2. Based on the market approach, Petitioner presented an indicated value of \$558,000.00 for the subject property.
3. Petitioner presented three comparable sales ranging in sales price from \$512,000.00 to \$580,000.00 and in size from 3,077 to 3,522 square feet. After adjustments were made, the sales ranged from \$564,881.00 to \$593,299.00.
4. Mr. Tarum testified that Petitioner's Comparable Sales 1 and 2 were used by the Jefferson County Assessor's Office during prior proceedings. The Petitioner received information on Petitioner's Comparable Sale 3 from the Jefferson County Assessor's website.
5. Mr. Tarum testified that since Petitioner's Comparable Sale 2 was used by the Respondent, he applied the same adjustments as the Respondent applied and made additional adjustments for view/open space and stonework.
6. Mr. Tarum testified that all of the Petitioner's comparable sales have stonework. He stated that the subject property is all wood siding. There is no stonework on the subject property. He believes that a negative adjustment should be made for this superior feature. He described the subject property as average quality construction. Mr. Tarum testified his home is in original condition with no updating or remodeling. The lack of updating and/or remodeling also makes the subject property inferior to the comparable sales used by Respondent.
7. Mr. Tarum testified, under cross-examination, that Petitioner's Comparable Sale 1 has no mountain view. He believes that it backs to open space or utility easement, as does the subject property. Comparable Sale 2 has a superior view of Mt. Evans, Denver and as far north as one can see. Comparable Sale 3 is surrounded by open space and also has a superior view of Mt. Evans. The

subject property does not have any mountain views as depicted in the pictures contained in Petitioner's Exhibit A.

8. Under cross-examination, Mr. Tarum testified that he made numerous errors in the adjustments that he attempted to make for Petitioner's Comparable Sale 3. He believes that Petitioner's Comparable Sale 3 should not be used.

9. Petitioner is requesting a 2003 actual value of \$525,000.00 for the subject property.

10. Respondent's witness, Vanessa Denbow, Certified Residential Appraiser with the Jefferson County Assessor's Office, presented an indicated value of \$633,000.00 for the subject property based on the market approach. The Respondent recommends that the 2003 actual value of the subject property be reduced to \$633,000.00.

11. Respondent's witness presented three comparable sales ranging in sales price from \$569,000.00 to \$580,000.00 and in size from 2,505 to 3,521 square feet. After adjustments were made, the sales ranged from \$603,400.00 to \$664,800.00.

12. Ms. Denbow testified that the three comparable sales contained in Respondent's Exhibit 1 are located on the same street as the subject property. All of these comparable sales were built in the late 1970's or early 1980's. The subject was built in 1988.

13. Ms. Denbow testified that she made positive time adjustments to the comparable sales to bring the sales to a June 30, 2002 level of value. She did not make an adjustment for land, as all sites are similar to the subject site. All of the comparable sales ranged from .45 to .53 acres. The subject property is .62 acres.

14. Ms. Denbow testified that she did not make an open space or view adjustment to these comparable sales. After a physical inspection of the comparable sales, she believed that there was no marketable view due to obstruction by trees.

15. Ms. Denbow testified that the subject property and the comparable sales are considered to be Class 4 semi-custom homes with above-average quality. All are of frame construction. Further, Ms. Denbow testified that she took into consideration living area square footage, basement finish, walkouts, garages, heating/cooling, balcony, jacuzzi, and covered porch.

16. Ms. Denbow testified that Respondent's Exhibit 2 is the grid sheet showing adjustments applied to Petitioner's three comparable sales. In using these sales and making the adjustments she felt were necessary, the sales ranged in sales price from \$512,000.00 to \$580,000.00 and in size from 3,077 to 3,521 square feet. The adjusted sale prices ranged from \$562,980.00 to \$687,100.00 resulting in an indicated value of \$618,000.00 for the subject property.

17. Under cross-examination, Ms. Denbow testified that the pictures of the comparable sales shown on page 14 of Respondent's Exhibit 1 were taken from the road and illustrate that the

comparables are located on a hill. She testified that there were no views from any of the comparables.

18. Under cross-examination, Ms. Denbow explained Respondent's Exhibit 2 and the different adjustments made to the sales. Some of the adjustments were very large and included time trending, age and square footage. She indicated that these adjustments are mandated by Colorado Revised Statutes.

19. Under cross-examination, Ms. Denbow testified that the market does not recognize a value difference between a wood stove and a massive stone fireplace; therefore, no adjustment was applied.

20. Respondent assigned an actual value of \$672,100.00 to the subject property for tax year 2003. The Respondent recommended that the actual value be reduced to \$633,000.00.

CONCLUSIONS:

1. Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2003.

2. Based on all of the evidence and testimony presented, the Board was not satisfied that the Respondent's comparable sales were adjusted sufficiently for lack of updating and superior views. From the evidence and testimony the Board was persuaded that Respondent's comparable sales sit higher on the hill than the subject property and have better views. Furthermore, the Board felt that the trees would not block the view year round. The Board gave consideration to Petitioner's testimony regarding adjustments for exterior stonework and stone fireplace versus wood stove. However, no evidence was presented showing market support for Petitioner's \$10,000.00 adjustment for stonework or \$20,000.00 view adjustment.

3. The Board gave consideration to Petitioner's Comparable Sales 1 and 2 and Respondent's Comparable Sale 2. In the final analysis, most weight was given to Petitioner's Comparable Sale 2 and Respondent's Comparable Sale 2, which is the same sale. This sale is most similar to the subject in square footage and required the lowest net dollar adjustment. Respondent's Comparable Sales 1 and 3 are substantially smaller in square footage. Due to major differences in property characteristics, they required significant adjustments rendering large net adjustments.

4. The Board believes that the 2003 actual value of the subject property is best reflected at the low end of Respondent's indicated value range. Due to the lack of updating and/or remodeling, as well as the absence of significant views, the Board is convinced that the actual value of the subject property should be reduced.

5. Based on all of the evidence and testimony presented, the Board determined that the 2003 actual value of the subject property should be reduced to \$603,400.00.

ORDER:

Respondent is ordered to reduce the 2003 actual value of the subject property to \$603,400.00.

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.

DATED and MAILED this 15th day of July 2004.

BOARD OF ASSESSMENT APPEALS

Rebecca Hawkins

Rebecca A. Hawkins

Diane M DeVries

Diane M. DeVries

This decision was put on the record

JUN 30 2004

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

Penny S. Lowenthal
Penny S. Lowenthal

