

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**
1313 Sherman Street, Room 315
Denver, Colorado 80203

Petitioner:

MICHAEL A. BLANCHARD,

v.

Respondent:

**JEFFERSON COUNTY BOARD OF
EQUALIZATION.**

Attorney or Party Without Attorney for the Petitioner:

Docket Number: 42839

Name: Michael A. Blanchard
Address: 1425 Ingalls St.
Lakewood, Colorado 80214

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on June 28, 2004, MaryKay Kelley and Debra A. Baumbach presiding. Petitioner appeared pro se. Respondent was represented by Eugene Mei, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**1425 Ingalls Street, Lakewood, Colorado
(Jefferson County Schedule No. 195468)**

Petitioner is protesting the 2003 actual value of the subject property, a frame single-family home built in 1946. The subject property has 1,169 square feet of living area with 960 square feet of basement area.

ISSUES:

Petitioner:

Petitioner contends that the subject has been overvalued; that Respondent did not consider all of the factors that affect the subject property's valuation.

Respondent:

Respondent contends that the subject property has been correctly valued using the market comparison approach.

FINDINGS OF FACT:

1. Mr. Michael Blanchard, Petitioner, presented the appeal on his own behalf.
2. Based on the market approach, Petitioner presented an indicated value of \$145,000.00 to \$150,000.00 for the subject property.
3. Petitioner presented three comparable sales ranging in sales price from \$112,000.00 to \$138,500.00 and in size from 703 to 968 square feet. No adjustments were made to any of the sales.
4. Mr. Blanchard testified that the Respondent did not give enough consideration to all of the factors affecting the subject property. All of the sales used by the Respondent are superior to the subject and the Respondent did not adequately adjust the sales for those factors.
5. Mr. Blanchard testified that the subject was purchased in 1989 for approximately \$27,000.00. During that time, homes in the area were selling for between \$60,000.00 to \$80,000.00. The subject was purchased below market value due to the overall condition and deferred maintenance items. The subject had some updating in 1960, but since that time there have been no updates or changes to the property. The subject is in close proximity to commercial properties and a large apartment complex. There is also a higher degree of transients and crime in the area.
6. Mr. Blanchard testified that the subject has a high degree of deferred maintenance. The exterior siding is cracked and has missing areas and there are large cracks in the foundation. The cinder block detached garage has large cracks and the garage door is buckled. The interior has not been updated. Although the subject property originally had two bathrooms, the Jefferson County Assessor's office changed the bathroom count to one and one-half, as a toilet in one of the bathrooms has been capped off. Mr. Blanchard indicated that the Respondent only allowed a 20% adjustment for condition and that adjustment does not seem to be adequate.
7. Petitioner is requesting a 2003 actual value of \$145,000.00 to \$150,000.00 for the subject property.

8. Respondent's witness, Patty Jo White, a Registered Appraiser with the Jefferson County Assessor's Office, presented an indicated value of \$167,000.00 for the subject property based on the market approach.

9. Respondent's witness presented three comparable sales ranging in sales price from \$169,900.00 to \$175,000.00 and in size from 1,092 to 1,171 square feet. After adjustments were made, the sales ranged from \$152,500.00 to \$181,000.00.

10. Ms. White testified that an inspection was performed on the subject property. The residence is located one property down from some light commercial properties. An adjustment was made to all of the comparable sales for this factor. All of the sales selected are located within the subject's market area and are reflective of the market conditions within that area.

11. Ms. White testified that a 20% reduction for structure and condition was indicated in the subject's file from several years ago. There was an adjustment of 20% made to all the sales. All of the sales were adequately adjusted for all of the differences.

12. Ms. White testified that all three of Petitioner's comparable sales have less square footage than the subject property. The sale at 1325 Chase is located in another subdivision. The sale at 1472 Jay Street has a mother-in-law apartment and would not be considered comparable to the subject property. The sale at 1970 Kendall Street is located on the north side of Colfax Street. The witness testified that sales located closer to the subject should be selected.

13. Ms. White testified the assigned value is lower than the indicated value and takes into consideration all of the factors affecting the subject.

14. Respondent assigned an actual value of \$165,310.00 to the subject property for tax year 2003.

CONCLUSIONS:

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

2. The Board has carefully considered all of the evidence and testimony presented and believes a further reduction is warranted. The Respondent presented a well-documented and supported appraisal report. The Respondent addressed and adjusted for all the differences. However, based upon the photos and testimony presented, the Board believes an additional 10% should be applied to the improvements for overall condition.

3. The Board heard testimony from the Respondent that a previous reduction was indicated in the property profile. The Respondent did not provide any evidence or testimony to indicate that the 20% deduction for condition was reflective of the market trends during the base period. The Board is convinced that the market would recognize a higher deduction for the condition of the subject property.

4. The Board could give little weight to the comparable sales presented by the Petitioner. No adjustments were made to any of the sales for any of the differences.

5. The Board concluded that the 2003 actual value of the subject property should be reduced to \$157,210.00, with \$81,200.00 allocated to land and \$73,100.00 allocated to improvements.

ORDER:

Respondent is ordered to reduce the 2003 actual value of the subject property to \$157,210.00, with \$81,200.00 allocated to land and \$73,100.00 allocated to improvements.

The Jefferson County Assessor is directed to change his/her 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 4th day of August 2004.

BOARD OF ASSESSMENT APPEALS

MaryKay Kelley
MaryKay Kelley

Debra A. Baumbach
Debra A. Baumbach

This decision was put on the record

AUG 04 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

