

<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>PAUL F. AND PATRICIA C. HODAPP,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>DENVER COUNTY BOARD OF EQUALIZATION.</b></p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Patricia C. Hodapp Address: 2575 Dahlia Street Denver, Colorado 80207 Phone Number: (720) 865-2046</p>	<p><b>Docket Number: 42854</b></p>
<p style="text-align: center;"><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on March 17, 2003, Karen E. Hart and Diane M. DeVries presiding. Petitioners appeared pro se. Respondent was represented by Charles T. Solomon, Esq.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**2575 Dahlia Street, Denver, Colorado  
(Denver County Schedule No. 01312-01-025-000)**

Petitioners are protesting the 2003 actual value of the subject property, a single-story residence of 1,340 square foot with basement built in 1923 with two bedrooms and one bathroom.

## **ISSUES:**

### **Petitioners:**

Petitioners contend that the single-story residence has 1,300 square feet of unfinished area. The subject property is not properly valued for tax year 2003.

### **Respondent:**

Respondent contends that the subject property has been correctly valued for tax year 2003 based on the market approach.

## **FINDINGS OF FACT:**

1. Ms. Patricia C. Hodapp, Petitioner, presented the appeal on behalf of Petitioners.
2. Ms. Hodapp testified that only one 400 square foot room in the basement area is dry walled and the concrete floor is painted. The rest of the basement is not finished. She testified that the walls are cracked, a portion of the roof leaks and the house is in need of gutter and soffit repair.
3. Ms. Hodapp testified that 2635 Dahlia Street sold in May of 2003 for \$267,500.00. This comparable sale is on the same street as the subject property. The house at 2351 Grape, located east of the subject property, sold for \$268,500.00. The property located at 2663 Dexter sold for \$288,600.00. The information on the comparable sales was derived from the Multiple Listing Service.
4. Ms. Hodapp testified that the subject property was purchased in 1998. It was the smallest and least expensive home on the block. The owners returned \$3,000.00 due to the condition of the subject property. The bathrooms are in need of repair, the roof leaks, and new gutters are needed. The Respondent has the subject property listed in average condition but the value is still too high.
5. Petitioners are requesting a 2003 actual value of \$260,000.00 for the subject property.
6. Respondent's witness, Mr. James S. Barber, Certified General Appraiser with the Denver Assessor's Office, presented an indicated value of \$286,500.00 for the subject property, based on the market approach. This is a recommended reduction in value from the County Board of Equalization's assigned value of \$294,800.00.
7. Respondent's witness presented three comparable sales ranging in sales price from \$274,500.00 to \$319,900.00 and in size from 1,324 to 1,396 square feet. After adjustments were made, the sales ranged from \$278,400.00 to \$294,440.00.
8. Mr. Barber testified that the subject property is a bungalow of brick masonry construction built in 1923. The subject has 1,340 square feet of living area with a total of five

rooms, with two bedrooms and one bathroom on the main floor. The kitchen and the bathroom have been updated. This is a modest remodel referred to as updated rather than an extensive remodel. There is a two-car garage, a small back yard and larger side yard.

9. Mr. Barber testified that the mass appraisal boundary for south Park Hill and north Park Hill is 26<sup>th</sup> Avenue. The subject property is in south Park Hill.

10. Mr. Barber testified to the comparable sales shown in Respondent's Exhibit 1, page 6. No adjustments were made for location, size, age, and style since all three comparables were within less than .18 of a mile from the subject. He stated that he updated the Respondent's record to reduce the size of the finished area in the basement. The low ceiling is typical of houses of that age and quality of construction. Low ceiling height would preclude good modern finish.

11. Mr. Barber testified to the adjustments that he made to the comparable sales. These adjustments included time trending the sales prices to June 30, 2002, the condition of the property, room count, basement finish, heating and cooling, garage, fireplace, and kitchen update versus kitchen remodel.

12. Under cross-examination, Mr. Barber testified as to the comparable sales used by the Petitioners. He stated that 2657 Elm Street needs some work, has excessive deferred maintenance, and does not have a garage. The comparable at 2663 Dexter was built in 1956, is smaller overall, has a smaller basement, and no garage. This comparable is a different style of construction than the subject. He tried to focus on similar age and style. The comparable at 2661 Clermont is in substandard condition, has no garage and was an estate sale. The property at 2516 Cherry Street is a row house attached to other units that were sold off separately. He did not consider this to be a single-family residence. The comparable at 2570 Bellaire Street is a significantly different age than the subject. It was fixed up and sold for a substantially higher price. The property at 2535 Dahlia was a quick sale that sold within 14 days on the market. He was not familiar with the property at 2351 Grape. It is smaller than the subject.

13. Respondent assigned an actual value of \$294,800.00 to the subject property for tax year 2003. The Respondent recommends that the value of the subject property be lowered to \$286,500.00.

## **CONCLUSIONS:**

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

2. The Petitioners did not make adjustments or verify the sales of the comparable properties presented in Petitioners' Exhibits A and B. The Board determined that the comparable sales used by the Respondent in Respondent's Exhibit 1 are more comparable to the subject property. The Respondent recommended a lower value for the subject property after correcting the Respondent's record of the basement finish. However, the Board does not believe that the Respondent gave adequate consideration to the condition of the subject property. The Board

The Respondent recommended a lower value for the subject property after correcting the Respondent's record of the basement finish. However, the Board does not believe that the Respondent gave adequate consideration to the condition of the subject property. The Board believes that the 2003 actual value of the subject property should be from the lower end of the value range.

3. Based on all of the evidence and testimony presented, the Board concluded that the 2003 actual value of the subject property should be reduced to \$278,400.00.

**ORDER:**

Respondent is ordered to reduce the 2003 actual value of the subject property to \$278,400.00.

The Denver 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 7<sup>th</sup> day of April, 2004.

**BOARD OF ASSESSMENT APPEALS**

Karen E Hart  
Karen E. Hart

Diane M DeVries  
Diane M. DeVries

This decision was put on the record

**APR 05 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

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