

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>JOHN J. PIERSIAK,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: John J. Piersiak Address: 7929 W. Caley Drive Littleton, Colorado 80123 Phone Number: (303) 979-3537</p>	<p>Docket Number: 43151</p>
<p style="text-align: center;">ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on August 31, 2004, Karen E. Hart and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by Martin E. McKinney, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**7929 W. Caley Drive, Littleton, Colorado
Jefferson County Schedule No. 103290**

Petitioner is protesting the 2003 actual value of the subject property, a 1,645 square foot split-level with garage and unfinished basement built in 1974 in the Woodmar Square Subdivision.

ISSUES:

Petitioner:

Petitioner contends that the Respondent did not consider the subject property's physical deficiencies and the comparable sales' superior features and upgrades.

Respondent:

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

FINDINGS OF FACT:

1. John J. Piersiak, Petitioner, presented the appeal on his own behalf.
2. Based on the market approach, Petitioner presented an indicated value of \$190,000.00 for the subject property.
3. Mr. Piersiak presented four split-level comparable sales from the subdivision ranging in sales price from \$189,900.00 to \$231,000.00 and in size from 1,645 to 1,799 square feet. He testified that some of the comparables had new siding, windows, basement finish, air conditioning, and concrete flatwork in comparison to the subject property's dated interior, unfinished basement, and lack of upgrades or extras. He was unable to provide additional information about the comparable sales, such as basement size and finish, fireplaces, porches, etc., and did not make adjustments. He assigned most weight to 7902 West Euclid, which sold for \$189,900.00, as it had no upgrades to his knowledge. He testified that the other sales were superior to the subject property yet had lower taxes.
4. Petitioner is requesting a 2003 actual value of \$190,000.00 for the subject property.
5. Respondent's witness, Patty Jo White, a Registered Appraiser with the Jefferson County Assessor's Office, presented an indicated value of \$247,500.00 for the subject property based on the market approach.
6. Ms. White presented four comparable sales located in the subject's subdivision ranging in sales price from \$210,000.00 to \$266,000.00 and in size from 1,645 to 1,812 square feet. After adjustments were made, the sales ranged from \$226,800.00 to \$276,800.00. Adjustments were made for time, size, basement finish, garage size, wood stove, evaporative cooler, and porches and balconies.
7. Ms. White provided a market grid containing Petitioner's comparable sales. Although she did not adjust Sales 3 and 4 for new siding and windows, she did apply adjustments for other

differences in physical characteristics. After adjustments, Petitioner's sales ranged from \$205,500.00 to \$233,100.00.

8. Respondent assigned an actual value of \$225,070.00 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. Although Petitioner testified that similar properties were taxed lower than the subject property, Colorado Revised Statutes require residential properties to be valued based on the market approach. In determining the value of the subject property, the Board may not consider comparisons of taxes assessed on other properties.

3. Both parties presented sales worthy of consideration. The adjusted prices of the eight comparable sales presented ranged from \$206,000.00 to \$276,800.00. The Board believes that the higher end of the range reflects properties that were in superior condition and/or had been remodeled, which is typical in subdivisions of 30-year old homes. The Board was persuaded that the subject has been minimally maintained, and therefore, should be valued at the lower end of the adjusted value range of the comparables.

4. The Board concluded that the 2003 actual value of the subject property should be reduced to \$215,000.00.

ORDER:

Respondent is ordered to reduce the 2003 actual value of the subject property to \$215,000.00.

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 9th day of September 2004.

BOARD OF ASSESSMENT APPEALS

Karen E Hart

Karen E. Hart

MaryKay Kelley

MaryKay Kelley

This decision was put on the record

SEP 08 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

