

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>SHOLA STEPHEN,</p> <p>v.</p> <p>Respondent:</p> <p>ADAMS COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 44140</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on August 17, 2005, MaryKay Kelley, Lyle Hansen, and Karen E. Hart presiding. Petitioner was represented by Paul Stephen, father of Petitioner. Respondent was represented by Jennifer Wascek Leslie, Esq. Petitioner is protesting the 2004 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

Adams County Schedule No. 0182131124005

The subject property consists of a 28,350 square foot vacant lot located in the Wiley Heights subdivision.

FINDINGS OF FACT:

1. Petitioner’s witness, Mr. Paul Stephen, purchased the subject property in 1987 with the intention of building a house on the property. Due to financial circumstances, the property remains unimproved. He subsequently gave the property to his daughter, Ms. Shola Stephen. Petitioner has had a continuing problem with people dumping trash on the subject property. However, the Board was not persuaded that the trash dumped on the subject property affected the value, as Mr. Stephen periodically removes the debris.

2. Petitioner's primary concern is that the property taxes for the subject property have increased substantially over time and Mr. Stephen cannot afford to keep paying such high taxes. Property tax mill levies and assessment rates are not within the jurisdiction of the Board; only the valuation and classification of the subject property can be considered.

3. Petitioner did not present any comparable sales. Mr. Stephen estimated that the actual value should be between \$25,000.00 to \$30,000.00 for tax year 2004.

4. Respondent's witness, Mr. Donald DeLay, a registered appraiser with the Adams County Assessor's office, presented an indicated value of \$54,000.00 for the subject property based on the market approach.

5. Mr. DeLay presented three comparable sales ranging in sales price from \$50,000.00 to \$55,000.00 and in size from 11,592 to 29,400 square feet. No adjustments were made to the sales. Comparable Sales 1 and 2 were located in the same subdivision as the subject and were very similar to the subject in size, location, zoning, and utility. Comparable Sale 3 was not adjusted for size, although it was considerably smaller than the subject, indicating an upward adjustment could be warranted. There was no appreciation in the market during the base period of January 1, 2001 through June 30, 2002. The Board concluded that Comparable Sales 1 and 2 should be given the most weight and they support the assigned actual value of \$54,000.00 for tax year 2004.

CONCLUSIONS OF LAW:

Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2004.

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 3rd day of September 2005.

BOARD OF ASSESSMENT APPEALS

Lyle D. Hansen

Lyle Hansen

MaryKay Kelley

MaryKay Kelley

Karen E. Hart

Karen E. Hart

This decision was put on the record

SEP 02 2005

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

