

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>DAZHONG HAN,</p> <p>v.</p> <p>Respondent:</p> <p>ADAMS COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 45173</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on July 24, 2006, Lyle Hansen and Karen E. Hart presiding. Petitioner appeared pro se. Respondent was represented by Jennifer Wascak, Esq. Petitioner is protesting the 2005 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**1127 West 111th Avenue, Northglenn, Colorado
Adams County Schedule No. 1719-09-1-21-021**

The subject property consists of a 1,942 square foot two-story single-family dwelling built in 1997. It has 4 bedrooms, 2½ bathrooms, 742 square feet of unfinished basement, a 441 square foot attached garage, located on an 8,026 square foot site.

FINDINGS OF FACT:

1. Petitioner has attempted to sell the subject property but the small master bedroom (11’ x 13’) and atypical master bathroom have been unattractive to buyers. The master bathroom has a shower but does not have a bathtub. Respondent agreed that the subject is one of the smallest houses in the neighborhood but has not conducted an analysis for the effect of the ¾ master bath and size of the master bedroom on market value. The Board believes that these deficiencies will be recognized in the market and a \$5,000.00 functional obsolescence adjustment should be given for these attributes.

2. Based on the market approach, Petitioner presented an indicated value range of \$235,000.00 to \$240,000.00 for the subject property. This value range is based on Petitioner's attempted sales price, which resulted in no offers, and a valuation analysis prepared by LuEllen & John Blum, Re/Max realtors. The Board notes that Petitioner's Exhibit A contains sales information that is beyond the data collection period of January 1, 2003 through June 30, 2004 and the assessment date of January 1, 2005. The Board cannot consider data outside the statutory time period.

3. Petitioner presented two comparable sales that occurred during the data collection period ranging in sales price from \$267,750.00 to \$280,000.00 and in size from 2,257 to 2,746 square feet. No adjustments were made to the sales.

4. Respondent presented three comparable sales ranging in sales price from \$267,750.00 to \$299,900.00 and in size from 2,017 to 2,257 square feet. The Adams County Assessor's records indicated that the subject property had 2 bathrooms rather than 2½ bathrooms. As a result, the comparable sales grid was revised to account for the subject's additional half bath. After the revised adjustments were made, the sales ranged from \$261,450.00 to \$262,500.00.

5. Petitioner has reviewed Respondent's appraisal report and believes the living area adjustment of \$20.00 per square foot in the report is incorrect, as the average sales price in the neighborhood ranges from \$110.00 to \$120.00 per square foot. Respondent's witness testified that the adjustment was based on market analysis and on the value of the house only, not the value of the house and the land. The Board determined that an adjustment of \$30.00 per square foot is more reasonable. Application of this adjustment to Respondent's comparable sales that are 100 square feet larger or more than the subject results in a value range of \$258,300.00 to \$261,700.00.

6. Petitioner is requesting a 2005 actual value of \$235,000.00 to \$240,000.00 for the subject property.

7. Respondent assigned an actual value of \$265,000.00 to the subject property for tax year 2005 but is recommending a reduction to \$260,000.00.

8. The Board determined that Respondent's value conclusion of \$260,000.00 was reasonable, prior to consideration of the master bathroom and bedroom deficiencies. The Board reduced the value conclusion by \$5,000.00 for functional obsolescence, to conclude to an actual value of \$255,000.00 for tax year 2005.

CONCLUSIONS OF LAW:

Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2005.

ORDER:

Respondent is ordered to reduce the 2005 actual value of the subject property to \$255,000.00.

The Adams County Assessor is directed to change his/her records accordingly.

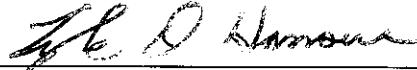
APPEAL:

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 6th day of September 2006.

BOARD OF ASSESSMENT APPEALS



Lyle Hansen



Karen E. Hart

This decision was put on the record

SEP 06 2006

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


Penny S. Lowenthal