

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>GUSTAV A. & B. JO MUTZE,</p> <p>v.</p> <p>Respondent:</p> <p>ADAMS COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 45274</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on July 24, 2006, Karen E. Hart and Lyle D. Hansen 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:

**9669 Covey Court, Northglenn, CO 80260
Adams County Schedule Number: 1719-15-3-20-017**

The subject property is an 864 square foot single-family residence built in 1964.

FINDINGS OF FACT:

1. Petitioner contends that the subject property is overvalued based on the following:
 - The basement of the subject property is in poor condition due to the existence of mold and a shower that has been removed but not replaced.
 - The garage is unusable, as water damage resulted in an 8-foot by 10-foot sinkhole and required removal of the remaining concrete floor.
 - Some of the floors slope and cracks exist in several of the walls.

2. Petitioner did not present any evidence with which to substantiate costs to cure the physical deterioration and functional obsolescence of the subject property.

3. Petitioner claims that additions have been constructed on Respondent's Comparable Sales 1 and 3 and that the gross living area of the comparables is incorrect.

4. Petitioner is requesting a 2005 actual value of \$105,000.00 for the subject property.

5. Respondent presented an indicated value of \$159,000.00 for the subject property based on the market approach.

6. Respondent presented three comparable sales ranging in sales price from \$179,500.00 to \$196,500.00 and in size from 832 to 864 square feet. After adjustments, the sales ranged from \$158,500.00 to \$159,600.00. Given the subject property's level of physical deterioration, Respondent's condition adjustment of \$20,000.00 to \$30,000.00 was found to be inadequate.

7. Respondent's witness, Susan Schilling, a Certified Residential Appraiser, considered the subject property to be in below average condition with visual evidence of chipped exterior paint, cracked concrete and water damage. Ms. Schilling was not aware that the concrete floor of the garage had been removed, but in her opinion, this type of functional obsolescence would warrant a \$4,000.00 reduction in value. We concur.

8. Respondent assigned an actual value of \$133,500.00 to the subject property for tax year 2005.

9. The value of the subject property was recalculated utilizing Respondent's comparable sales, increasing the condition adjustment to \$55,000.00 for Comparables 1 and 2 and to \$65,000.00 for Comparable 3, applying an additional adjustment of \$4,000.00 to reflect the subject's inferior garage floor, and accepting the remaining adjustments as shown in the adjustment grid. After adjustments, the sales ranged from \$119,500.00 to \$120,600.00.

CONCLUSIONS OF LAW:

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

2. The Board concluded that the 2005 actual value of the subject property should be reduced to \$120,000.00.

ORDER:

Respondent is ordered to reduce the 2005 actual value of the subject property to \$120,000.00, with \$39,000.00 allocated to land and \$81,000.00 allocated to improvements

The Adams 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 15th day of August 2006.

BOARD OF ASSESSMENT APPEALS



Karen E. Hart

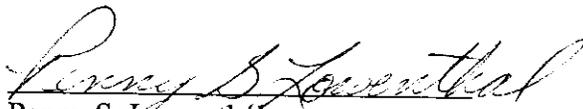


Lyle D. Hansen

This decision was put on the record

AUG 11 2006

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



Penny S. Lowenthal

