

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner :</p> <p>LARRY J. KRIEGER,</p> <p>v.</p> <p>Respondent :</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 46353</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on March 19, 2007, Karen E. Hart and Debra A. Baumbach presiding. Petitioner Larry J. Krieger appeared pro se. Respondent was represented by Writer Mott, Esq. Petitioner protested the 2005 actual value of the subject property.

PROPERTY DESCRIPTION:

The subject property is described as follows:

**7514 Elkhorn Mountain, Littleton, Colorado
(Jefferson County Schedule No. 147821)**

The subject property is a framed, ranch style dwelling built in 1978. There is approximately 2,000 square feet above grade living area. There are three bedrooms, two bathrooms, one fireplace, and a two car garage. There is a partially finished walk-out basement consisting of 1,857 square feet.

Petitioner argued the comparable sales used by Respondent in the valuation process were superior in condition, size, and location. Inadequate adjustments were made for physical differences. Respondent did not consider the bentonite soil conditions in the assessment and the reported garage square footage is incorrect. Further consideration should have been given for location, as the subject property backs up to West Ken Caryl Avenue, with a high degree of traffic influence.

The subject property has settlement issues related to the bentonite soil. Approximately eight years ago the basement floor was replaced, and pea gravel laid underneath, in an attempt to repair the foundation floor. During the last two years, again, there has been some foundation cracking under the carpet.

Petitioner requested an actual value of \$330,000.00 for the subject property for tax year 2005.

Petitioner presented two comparable sales ranging in sales price from \$167,500.00 to \$204,000.00. Sale one is a ranch style home located next door to the subject property and has some reported drywall cracks due to the bentonite soil. Sale two has no foundation cracks, however has some reported settlement. No adjustments were made to the sales.

Respondent assigned an actual value of \$381,070.00 for the subject property for tax year 2005.

Respondent's witness, Vic Galluzzo, a Licensed Appraiser with the Jefferson County Assessors Office, presented an indicated value of \$410,000.00 for the subject property.

Respondent performed an exterior inspection of the subject property. Respondent presented three comparable sales ranging in sales price from \$427,500.00 to \$491,000.00, and in square footage from 2,303 to 3,037. After adjustments, the sales ranged from \$381,200.00 to \$445,900.00.

All of Respondent's comparable sales share similar characteristics, and adjustments were made for all differences. All the sales are located within the same market area and share similar problems with bentonite soil conditions. Any adverse effects on the value of the comparable sales were reflected in the sales prices. Additionally, the difference in garage square footage would not significantly impact the final value conclusion.

Respondent's witness testified that Petitioner's sale one, located next door to the subject property, sold below market. This was a distressed sale with a high degree of structural damage. The owners were involved in a lawsuit with the builder and subsequently the property was purchased by a company who buys distressed properties to repair and resell. Sale two was reported to have a high degree of structural damage as well.

Respondent's assigned value was below any of the comparable sales and took into consideration further adjustment for differences in condition and location.

Respondent presented sufficient probative evidence and testimony to prove the subject property was correctly valued for tax year 2005. The Board was convinced Respondent's value was well supported and appropriate adjustments were made for differences in physical characteristics. The Board concurred that any adverse affects relating to bentonite soil would be reflected in the sale prices within the market area. Petitioner did not provide the Board with any evidence that indicated the subject property has a higher degree of structural damage to warrant any further reduction.

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 12th day of June 2007.

BOARD OF ASSESSMENT APPEALS

Karen E Hart

Karen E. Hart

Debra A. Baumbach

Debra A. Baumbach

This decision was put on the record

JUN 12 2007

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

Heather Heinlein

Heather Heinlein

