

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**
1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 47501

Petitioner:

SCOTT LYONS,

v.

Respondent:

**JEFFERSON COUNTY BOARD OF
EQUALIZATION.**

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on November 1, 2007, Sondra W. Mercier and Karen E. Hart presiding. Petitioner appeared pro se via teleconference. Respondent was represented by Eric Butler, Esq. Petitioner is protesting the 2006 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**1217A S Flower Circle, Lakewood, Colorado
Jefferson County Schedule No. 177381**

The subject property consists of a single-family residential split-level townhome. The main living area is 789 square feet and there is a 345 square foot finished basement. There are three bedrooms, one and one half bathrooms, a fireplace, and a wood deck. The housing complex was built in 1984. Each building has 5 to 7 units. Units A and F are matched units, as are Units B and E and Units C and D. The subject property is Unit A.

Based on the market approach, Petitioner presented an indicated value of \$158,000.00 for the subject property.

Petitioner presented an extensive list of comparable sales that occurred within the neighborhood, but concentrated on seven sales ranging in sales price from \$137,500.00 to \$163,000.00 and in size from 743 to 1,102 square feet. No adjustments were made to the sales.

Mr. Lyons testified that Unit F in his building is identical in size and build to the subject property and is assessed at \$156,700.00. Unit D in a similar building is also similar to the subject and is assessed at \$157,000.00. Mr. Lyons believes these assessed values support his contention that his property is overvalued.

Petitioner is requesting a 2006 actual value of \$158,000.00 for the subject property.

Respondent's witness, Mr. Steve DeBell, a Colorado Certified Residential Appraiser with the Jefferson County Assessor's office, presented an indicated value of \$173,000.00 for the subject property based on the market approach.

Respondent presented four comparable sales located within the subject's complex, ranging in sales price from \$154,600.00 to \$168,500.00. All the comparable sales were 789 square feet in size. After adjustments were made for seller concessions and/or personal property, living area, bathroom count, finished basement area, walkout basement, and balcony, the sales ranged from \$159,900.00 to \$176,700.00. The adjusted sales range includes corrections made by Mr. DeBell for the incorrect bathroom count of the subject property shown on his comparable adjustment chart.

Respondent assigned an actual value of \$172,000.00 to the subject property for tax year 2006.

Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2006.

The Board determines that Respondent's Comparable Sale 3 is the best indicator of value. It is identical to the subject property in physical characteristics other than walkout basement and balcony and is the only sale that has a finished basement. The adjusted sales price is \$159,900.00.

The Board concludes that the 2006 actual value of the subject property should be reduced to \$160,000.00.

ORDER:

Respondent is ordered to reduce the 2006 actual value of the subject property to \$160,000.00.

The Jefferson County Assessor is directed to change his records accordingly.

APPEAL:

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Colorado Revised Statutes ("CRS") section 24-4-106(11) (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the Respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of CRS section 24-4-106(11) (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

Colo. Rev. Stat. § 39-8-108(2) (2007).

DATED and MAILED this 17th day of November 2007.

BOARD OF ASSESSMENT APPEALS

Sondra W. Mercier
Sondra W. Mercier

Karen E. Hart
Karen E. Hart

This decision was put on the record

NOV 16 2007

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

Heather Heinlein



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