

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>CYRUS M. TASDIGHI</p> <p>v.</p> <p>Respondent:</p> <p>ADAMS COUNTY BOARD OF EQUALIZATION</p>	<p>Docket No.: 48033</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on May 12, 2008, Karen E. Hart and Debra A. Baumbach presiding. Petitioner appeared pro se. Respondent was represented by Nathan J. Lucero Esq. Petitioner is protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**8950 Xavier Street, Westminster, Colorado
Adams County Schedule No. R0048080**

The subject property is a single-family, frame-sided residence situated on a 7,370 square foot site located within Vista Grande Subdivision. The residence consists of 1,945 square feet of above grade living area, 3 bedrooms, 2 bathrooms, and 1,945 square feet of unfinished basement area built in 1994. There is an attached two car garage, deck, and front porch.

Petitioner presented an indicated value of \$247,350.00 for the subject property.

Petitioner presented one comparable sale located on the same street as the subject property. This sale sold for \$291,000.00, and is a similar floor plan. This sale is larger in square footage, has a sun room, finished basement, and superior upgrades. Petitioner did not make any adjustments to the sale and the sale date was not disclosed. However, Mr. Tasdighi believes that a 15% reduction from the sales price is a good indication of what the value of the subject property should be.

Petitioner testified all the factors affecting the subject property have not been considered in Respondent's valuation. Respondent used comparable sales with superior physical characteristics and the adjustments were unsupported.

Petitioner is requesting a 2007 actual value of \$247,350.00 for the subject property for tax year 2007.

Respondent presented an indicated value of \$291,000.00 for the subject property based on the market approach.

Respondent presented four comparable sales ranging in sales price from \$318,000.00 to \$334,000.00 and in size from 1,650 to 1,984 square feet. After adjustments were made, the sales ranged from \$299,133.00 to \$309,742.00.

Respondent's witness, Ms. Susan Schilling, testified all of the comparable sales she used are located within the same market area as the subject and share similar physical characteristics. Adjustments were made for all differences and the indicated value well supports the assigned value.

Ms. Schilling further testified their office uses information obtained from MLS sold books for specific details on comparable sales. The sale used by Petitioner was not considered since it sold outside the tax base period, according to MLS.

Respondent assigned an actual value of \$291,000.00 to the subject property for tax year 2007.

Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued. Respondent presented four comparable sales within the subject's market area and adjustments were made for differences in physical characteristics.

Petitioner did not provide the Board with any data to rebut the testimony by Respondent regarding the sold date of Petitioner's sale. The Board relied on Respondent's sales and adjustments. Furthermore, the assigned value is below the indicated value and takes into consideration any factors affecting the subject property.

ORDER:

The petition is denied

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

DATED and MAILED this 20th day of June 2008

BOARD OF ASSESSMENT APPEALS

Karen E. Hart
Karen E. Hart

Debra A. Baumbach
Debra A. Baumbach

This decision was put on the record

JUN 20 2008

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

Heather Heinlein
Heather Heinlein

