

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>GLORIA I. STRICKLEN & DONALD B. STILLS</p> <p>v.</p> <p>Respondent:</p> <p>ADAMS COUNTY BOARD OF EQUALIZATION</p>	<p>Docket No.: 48140</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, Donald B. Stills, appeared pro se. Respondent was represented by Nathan J. Lucero Esq. Petitioners are protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**548 Badger Creek Drive, Brighton, Colorado
Adams County Schedule No. R0005152**

The subject property is a single-family detached residence located in northwest unincorporated Adams County. The residence was built in 1997 and consists of 1,630 square feet of above grade living area with 784 square feet of unfinished basement area. The subject has 3 bedrooms, 2 bathrooms, and a 3-car garage. The garage consists of 580 square feet and the lot size is 6,000 square feet.

Petitioners presented an indicated value of \$205,430.00 for the subject property.

Petitioners presented three comparable sales ranging in sales price from \$219,900.00 to \$223,900.00 and in size from 1,608 to 1,710 square feet. Petitioners did not make any adjustments for differences in physical characteristics.

Petitioners were able to obtain online Multiple Listing Service (MLS) printouts for the comparable sales used. The printouts contained thorough descriptions of the physical characteristics of the subject property as well as conditions regarding the sales transactions.

Petitioners did not object to the comparable sales used by Respondent; two of Petitioners' comparable sales were also used by Respondent. Petitioners did object to the degree of adjustments that were made. Respondent did not make adjustments to the sales for all physical differences indicated in the MLS data. Subsequently, the indicated value range was much higher. Petitioners believe the subject property has been overvalued by more than \$15,000.00.

Petitioners are requesting a 2006 actual value of \$205,430.00 for the subject property.

Respondent presented an indicated value of \$223,658.00 for the subject property based on the market approach.

Respondent presented four comparable sales ranging in sales price from \$219,900.00 to \$224,000.00 and in size from 1,638 to 1,710 square feet. After adjustments were made, the sales ranged from \$209,362.00 to 225,262.00.

Mr. Dominic P. Mailo, witness for Respondent, testified that the comparable sales he selected are located within the same market area as the subject. All the sales are similar in size, style, quality, and market appeal. All of the sales required minimal adjustments for physical differences.

Mr. Mailo testified that he reviewed the MLS printouts presented by Petitioners. There was no notation in any of the MLS readouts that any of the sales with finished basements had permits. Therefore, no adjustments were made for basement finish or any other information that their office did not have. All of Mr. Mailo's adjustments were based upon information within the Adams County Assessor's office.

Respondent assigned an actual value of \$223,660.00 to the subject property for tax year 2006.

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

The Board believes that MLS data contains useful information that should be considered in the valuation of the subject property. Additionally, the information contained in MLS is subject to the same standards as other data relied upon by real estate professionals. Petitioners presented the thorough data contained in these printouts. Respondent should have considered and investigated the information presented by Petitioners to make adequate adjustments to the comparable sales.

The Board found some of the adjustments made by Respondent to be inconsistent. Adjustments were made for basement area difference of 80 square feet yet no adjustment was made for the 80 square foot difference in gross living area. The Board was not convinced that the market would only recognize a difference in the basement area and not the gross living area. The Board believes that based upon the MLS printouts presented by Petitioners, further adjustments should be made for basement finish.

The Board relied on all four comparable sales presented by the parties. The Board used the adjustment calculations made by Respondent and made additional adjustments based upon information from the MLS printouts provided by Petitioners. The Board concluded to a 2007 actual value of \$216,000.00 for the subject property.

ORDER:

Respondent is ordered to reduce the 2007 actual value of the subject property to \$216,000.00.

The Adams 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 the 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 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) (2008)

DATED and MAILED this 26th day of August 2008.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach
Debra A. Baumbach

Karen E. Hart
Karen E. Hart

This decision was put on the record

AUG 25 2008

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

Heather Flannery
Heather Flannery

