

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>LAUREL KAUFMANN,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF COMMISSIONERS.</p>	<p>Docket No.: 48143</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on April 9, 2008 Lyle D. Hansen and Karen E. Hart presiding. Petitioner appeared pro se. Respondent was represented by James Burgess, Esq. Petitioner is requesting an abatement/refund of taxes on the subject property for tax years 2005 and 2006.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**9870 West 53rd Avenue, Arvada, Colorado
(Jefferson County Schedule No. 007057)**

The subject property consists of a 960 square foot ranch style home of masonry construction with a full basement, built in 1957 on a 6,933 square foot site. There are three main floor bedrooms, one basement bedroom, a main floor bathroom, a three quarter basement bathroom, and a 220 square foot attached garage. Ninety percent of the basement is finished. The subject property is unique in that is the only home in the area with a walkout basement.

Petitioner testified that her bathrooms and kitchen need remodeling. Much of the interior finish is of the 1970-1980's vintage including colored fixtures, mismatched appliances, Formica countertops, and a cracked linoleum kitchen floor. She believes it would cost \$50,000.00 to update the interior of the house. Her property also needs repair or replacement of the terraces, steps, fence,

three structural retaining walls, and landscaping. In 2006, she obtained a \$10,000.00 estimate for the exterior repairs; Petitioner did not submit an estimate from the base period as supporting evidence.

Based on the market approach, Petitioner presented an indicated value of \$165,000.00 for the subject property.

Petitioner presented eight comparable sales ranging in sales price from \$145,000.00 to \$165,000.00 and in size from 850 to 1,247 square feet. No adjustments were made to the sales. All of the comparables are from her neighborhood, but only one is from her subdivision.

Petitioner believes her comparable sales are better than Respondent's sales. Two of Respondent's sales were remodeled prior to the sale; homes with good exterior appeal and remodeling sell for more.

Petitioner is requesting a 2005 and 2006 actual value of \$165,000.00 for the subject property.

Respondent's witness, Ms. Loretta Barela, a Licensed Appraiser with the Jefferson County Assessor's office presented a value of \$196,733.00 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sales price from \$188,000.00 to \$199,000.00 and in size from 910 to 966 square feet. After adjustments were made for time, market condition, age, basement finish, basement walkout, fireplace, and covered porch, the sales ranged from \$189,200.00 to \$205,500.00. All of the comparable properties are located in the same subdivision and within two blocks of the subject. Two of the comparables need landscaping.

Ms. Barela testified that Petitioner's comparables are not from her subdivision or close proximity. The Sandra Lynn, Independence, and Combs Addition subdivisions are north of the railroad tracks and are not similar neighborhoods. The comparable at 5118 Jellison Court should not be considered as it was an estate sale and not on the open market. The assessor's office does not consider landscaping to be a significant market value contributor.

Respondent assigned an actual value of \$188,230.00 to the subject property for tax years 2005 and 2006.

Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax years 2005 and 2006.

Petitioner's sales are from different subdivisions than the subject and location is an important factor in market value. The Board gives most weight to Respondent's comparable sales as they are from the same subdivision and within two blocks of the subject. There was testimony that two of Respondent's comparables were remodeled prior to the sale but Petitioner did not present evidence to support the extent of remodeling.

Petitioner's photographs show cracks and leaning in the rear yard structural retaining walls, which the Board is convinced a potential buyer would take into consideration, but no documentation from the base period was submitted to support Petitioner's \$10,000.00 cost to cure estimate.

To account for these issues, the Board is convinced that the value of the subject property should come from the bottom of the adjusted sales range. However, the indicated value of \$189,200.00, while lower than Respondent's presented value, is still higher than the assigned value of \$188,230.00.

ORDER:

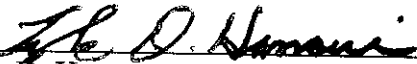
The petition is denied.

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. § 39-10-114.5(2) (2007).

DATED and MAILED this 20th day of May 2008.

BOARD OF ASSESSMENT APPEALS



Lyle D. Hansen




Karen E. Hart

This decision was put on the record

MAY 20 2008

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



Heather Heinlein

