

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>KEITH R. AND LYDIA M. HOMBURGER,</p> <p>v.</p> <p>Respondent:</p> <p>ARAPAHOE COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 48259</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on March 12, 2009, Debra A. Baumbach and Lyle D. Hansen presiding. Keith R. Homburger appeared pro se for Petitioners. Respondent was represented by Breena N. Meng, Esq. Petitioners are protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**9357 East Mexico Avenue
Arapahoe County Schedule No. 1973-22-3-26-002**

The subject is a two-story brick single-family residence constructed in 2001. The residence has a total of 2,339 square feet of gross living area on the main and upper levels and a 1,682-square-foot unfinished basement area. The residence has a total of three bedrooms and three bathrooms. There is a two-car garage. The residence is situated on an 8,383-square-foot lot.

Based on comparable sales, Petitioners presented an indicated value of \$300,000.00 for the subject property.

Petitioners presented numerous comparable sales, relying on eight comparable sales ranging in sales price from \$181,500.00 to \$365,000.00 and in size from 880 to 2,782 square feet. Petitioners accomplished no adjustments to the comparable sales.

Petitioners agreed with Respondent's Comparable Sales 1 and 2 because they are located in the same area as the subject property. Petitioners disagreed with Respondent's Comparable Sale 3 because of its location in a different neighborhood further north of the subject. Petitioners disagreed with Respondent's Comparable Sales 4, 5, and 6 because of their superior location to the west of South Parker Road and near the Highline Canal. Mr. Homburger testified that Respondent failed to recognize the adverse influence upon the immediate area of the subject resulting from a Section 8 residential complex located to the southeast of the subject and a multi-family residential development to the west of the subject. Mr. Homburger further testified that the adverse influence of the Section 8 residential complex is further intensified by the existence of gang members living in that development.

Petitioners are requesting a 2007 actual value of \$300,000.00 for the subject property.

Respondent presented an indicated value of \$387,000.00 for the subject property based on the market approach.

Respondent presented six comparable sales ranging in sales price from \$198,000.00 to \$580,000.00 and in size from 1,318 to 2,605 square feet. After adjustments were made, the sales ranged from \$345,500.00 to \$493,500.00. Respondent applied a 10% reduction to the indicated value for economic obsolescence.

Respondent assigned an actual value of \$434,300.00 to the subject property for tax year 2007, but is recommending a reduction to \$387,000.00.

The Board gave no weight to Petitioners' comparable sales at 5470 South Shawnee Way, 19164 East Amherst Drive, 2565 South Fundy Circle, and 5495 South Tibet Street. These four sales are located in the east suburban area of Aurora. While the sales were comparable in gross living area and year of construction, the substantial distance from the subject neighborhood was not considered comparable in location. The Board gave no weight to comparable sales at 9455 East Jewell Avenue, 2266 South Dayton Street, and 1714 South Uinta Way because of substantial differences from the subject in gross living area and year of construction.

Petitioners agreed with Respondent's Comparable Sales 1 and 2. However, the Board gave no weight to Respondent's Comparable Sales 1 and 2. While these sales represent comparable location influences to the subject, the sales required substantial dollar and percentage adjustment for differences in year of construction, quality of construction, and gross living area.

The Board concluded that sufficient probative evidence and testimony was presented to prove that the subject property was incorrectly valued for tax year 2007.

The Board relied upon Petitioners' comparable sale at 9311 East Jewell Avenue and upon Respondent's Comparable Sales 3, 4, 5, and 6. The Board concluded that the sale at 9311 East Jewell Avenue reflected the location influences in the immediate subject area. The Board agreed with Respondent's adjustments on Comparable Sales 3, 4, 5, and 6 but included additional

downward adjustments for superior location for Sales 4, 5, and 6 and location adjacent to the canal on Sale 6. The Board concluded a value for the subject property of \$359,000.00.

The Board concluded that the 2007 actual value of the subject property should be reduced to \$359,000.00.

ORDER:

Respondent is ordered to reduce the 2007 actual value of the subject property to \$359,000.00.

The Arapahoe 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 CRS § 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 § 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.

CRS § 39-8-108(2) (2008).

DATED and MAILED this 1st day of April 2009.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach
Debra A. Baumbach

Lyle D. Hansen
Lyle D. Hansen

This decision was put on the record

APR 01 2009

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

Heather Flannery
Heather Flannery

