

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>DENNIS SOHOCKI,</p> <p>v.</p> <p>Respondent:</p> <p>DENVER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 49021</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on October 10, 2008, Debra A. Baumbach and Sondra W. Mercier presiding. Petitioner appeared pro se. Respondent was represented by Mark W. Gerganoff, Esq. Petitioner is protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**947 South Williams Street, Denver, Colorado
(Denver County Schedule No. 05144-21-006-000)**

The subject is a brick bungalow, single-family residence that was built in 1910. It is in average condition, with minimal renovation. It has two bedrooms and one bath with a gross living area of 1,197 square feet.

Based on the market approach, Petitioner presented an indicated value of \$344,153.00 for the subject property.

Petitioner presented three comparable sales ranging in sales price from \$278,000.00 to \$345,000.00 and in size from 1,046 to 1,625 square feet. Petitioner made adjustments equal to those of Respondent for date of sale, site size, living area, basement size, and basement finish. After adjustments were made, the sales ranged from \$315,920.00 to \$395,997.00.

Petitioner also presented Respondent's four comparable sales with edited adjustments for quality of construction and condition. Further, Respondent's Sale 4 was calculated based on an earlier sale that occurred in May 2005 of a home that has since been demolished for new construction. Both Petitioner and Respondent agreed that Respondent's Sale 4 represented the sale of land for redevelopment. The Board gave no weight to Respondent's Sale 4 since it is not comparable to the actual use of the subject property. After Petitioner's adjustments, Respondent's sales indicated a range of \$398,694.00 to \$444,653.00 for the subject.

Petitioner is requesting a 2007 actual value of \$344,153.00 for the subject property.

Respondent presented an indicated value of \$450,000.00 for the subject property based on the market approach.

Respondent presented four comparable sales. As previously noted, the Board will give no weight to Respondent's Sale 4. Respondent's remaining three sales showed sales prices from \$334,000.00 to \$431,000.00 and ranged in size from 1,105 to 1,251 square feet. Respondent made adjustments for time, lack of attic, quality of construction, size, basement size and finish, garage size, and fireplace. Respondent made adjustments to each comparable sale for site size at a rate of \$35.00 per square foot for each additional square foot in site size over that of the subject. After adjustments were made, the sales ranged from \$427,659.00 to \$449,653.00. Respondent failed to provide market support for inclusion of an adjustment for site size or the quantity of the adjustment. After eliminating the adjustment for site size from each sale, the sales show an indicated range of \$384,872.00 to \$419,329.00.

Respondent assigned an actual value of \$453,800.00 to the subject property for tax year 2007.

Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2007. The Board was convinced that Petitioner's sales were similar to the subject in living area and site size but slightly inferior for location. Respondent's sales were similar to the subject in living area and location; however, the large adjustment for site size was not supported for its inclusion or quantity. The Board was convinced that numerous sites had been sold during the base period for redevelopment; however, no convincing evidence was presented by Respondent to support the inclusion of an incremental adjustment for differences in site size. Therefore, the Board believes a value at the upper-end of the range of Petitioner's sales after adjustment as reasonable for the subject. This value is well supported by Respondent's sales after elimination of the adjustment for site size.

The Board concluded that the 2007 actual value of the subject property should be reduced to \$396,000.00.

ORDER:

Respondent is ordered to reduce the 2007 actual value of the subject property to \$396,000.00.

The Denver 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 21st day of October 2008.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach
Debra A. Baumbach

This decision was put on the record

OCT 20 2008

Sondra W. Mercier
Sondra W. Mercier

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

Heather Flannery
Heather Flannery

