

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>GERALD AND MICHELLE EDWARDS,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>DENVER COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 49296</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on December 17, 2008, MaryKay Kelley and Lyle D. Hansen presiding. Ms. Michelle Edwards appeared pro se for Petitioners. Respondent was represented by David V. Cooke, Esq. Petitioners are protesting the 2007 actual value of the subject property.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**2990 South Magnolia Way, Denver, CO  
Denver County Schedule No. 06321-06-001-000**

The subject is a one story single-family residence built in 1966 of brick construction. The residence has a total of 1,375 square feet on the main level with a 1,375 square foot basement of which 1,238 square feet are finished. The residence has three bedrooms and two baths on the main level and one bath in the basement. There is a two-car attached garage. The residence is situated on a 15,788 square foot lot.

Petitioners presented an indicated value of \$235,500.00 for the subject property.

Petitioners presented eight comparable sales ranging in sales price from \$219,000.00 to \$275,000.00 and in size from 919 to 1,498 square feet. Petitioners made no adjustments to the comparable sales. Petitioners first exchanged documentation showing these eight comparable sales with the Board and Respondent on the date of hearing. The submission did not meet the Board's

Rule 11 deadline, and Respondent objected to the submission. The Board acknowledged Respondent's objection and proceeded to admit the submission of the eight comparable sales with the caveat that each sale would be given the weight the Board considered appropriate.

Petitioners provided no appraisal on the subject.

Ms. Edwards testified that the subject is in poor condition: that substantial physical deterioration had occurred to the exterior and interior of the building improvements. She testified that deterioration had occurred to the roof area and brick walls on the exterior and that water damage from leaking pipes had caused physical damage to areas on the interior of the residence. She testified that wall cracks have occurred.

Ms. Edwards testified that her eight comparable sales all had sale prices below Respondent's assigned value of \$281,400.00. She testified that all of the eight comparable sales were in better physical condition and had been remodeled or upgraded with more current interior components.

Petitioners are requesting a 2007 actual value of \$235,500.00 for the subject property.

Respondent presented an indicated value of \$289,600.00 for the subject property based on the market approach.

Respondent presented four comparable sales ranging in sales price from \$252,500.00 to \$339,000.00 and in size from 1,066 to 1,347 square feet. After adjustments were made, the sales ranged from \$273,410.00 to \$298,635.00. Respondent made adjustments for site size, condition, square footage, and fireplace. All of Respondent's comparable sales were located in the same neighborhood and were built in the same year as the subject.

Respondent assigned an actual value of \$281,400.00 to the subject property for tax year 2007.

Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2007.

The Board gave no weight to Petitioners' comparable sales at 6820 East Iliff Avenue and 7639 East Amherst Avenue because they are located in a different neighborhood from the subject. The Board gave no weight to Petitioners' comparable sale at 6662 East Dickensen Place because it is located in a different neighborhood, it was a lender owned sale on the market for 215 days, and the garage area had been converted to a family room. The Board gave no weight to Petitioners' comparable sale at 3025 South Norman Court because it is located in a different neighborhood from the subject, and was identified as a short sale on the market for 244 days with a seller concession of \$2,970. The Board gave no weight to Petitioners' comparable sale at 2690 South Newport Street because it is located in a different neighborhood, it was marketed as a "quick possession" property with a seller concession of \$5,500, and the residence had a smaller gross living area of 919 square feet. The Board gave no weight to Petitioners' comparable sale at 3230 South Pontiac Street because it is located in a different neighborhood than the subject, the residence is nine years newer in year of construction, and the property was on the market for 323 days. The Board gave no weight

to Petitioners' comparable sale at 2695 South Norman Court because it is located in a different neighborhood and is a bi-level floor plan.

Petitioners' comparable sale at 6603 East Columbia Place is the same as Respondent's Comparable Sale 4.

The Board accepted Respondent's comparable sales as being representative of the subject property. The Board concluded that Respondent's adjustments were reasonable and took into consideration the condition of 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 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).

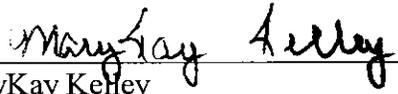
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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 27<sup>th</sup> day of January 2009.

**BOARD OF ASSESSMENT APPEALS**

  
\_\_\_\_\_  
MaryKay Kelley

  
\_\_\_\_\_  
Lyle D. Hansen

This decision was put on the record

**JAN 27 2009**

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

  
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Heather Flannery

