

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>GERALD AND MICHELLE EDWARDS,</p> <p>v.</p> <p>Respondent:</p> <p>DENVER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 49297</p>
<p>ORDER</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:

**890 South Ogden, Denver, CO
Denver County Schedule No. 05143-09-013-000**

The subject is a one and one-half story single-family residence built in 1917 of brick construction. The residence has a total of 1,854 square feet on the main and half-story levels with a 1,056 square foot basement of which none is finished. The residence has three bedrooms and two and one-half baths. There is a two-car detached garage. The residence is situated on a 6,090 square foot lot.

Petitioners presented an indicated value of \$424,700.00 for the subject property.

Petitioners presented twelve comparable sales ranging in sales price from \$400,000.00 to \$450,000.00 and in size from 1,407 to 2,708 square feet. Petitioner accomplished no adjustments to the comparable sales. Petitioners first exchanged documentation showing these twelve 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 twelve 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. She testified that substantial physical deterioration had occurred to the exterior and interior of the building improvements. She testified that deterioration had occurred to exterior roof structural areas, and to interior walls and bath plumbing. She testified that she was unable to accommodate scheduling an interior inspection with the Denver Assessor's representative because of her employment.

Petitioners presented twelve comparable sales that all had sale prices below Respondent's assigned value of \$463,100.00. Ms. Edwards testified that all of the twelve 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 \$424,700.00 for the subject property.

Respondent presented an indicated value of \$525,000.00 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sales price from \$539,000.00 to \$722,000.00 and in size from 1,664 to 2,008 square feet. After adjustments were made, the sales ranged from \$523,966.00 to \$550,800.00. Respondent made adjustments for time, site size, condition, bathroom count, square footage, functional utility, garage spaces, and fireplace. All of Respondent's comparable sales are located in the subject's immediate neighborhood.

Respondent assigned an actual value of \$463,100.00 to the subject property for tax year 2007.

Mr. Richard Armstrong, Certified Residential Appraiser with the Denver Assessor's Office, testified that he had tried to schedule an interior inspection with the Petitioner but was unable to do so. Mr. Armstrong testified that he relied upon prior inspection records in the property file in the Assessor's office.

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

Respondent's witness testified that the two most important elements contributing to value for the subject are location close to Washington Park and larger lot size. The subject is located two blocks west of Washington Park. Documents presented by Petitioner on comparable sales in the vicinity of the subject included comments by listing brokers indicating that location close to Washington Park is an amenity. The subject lot size is 6,090 square feet.

The Board gave no weight to eleven of the twelve comparable sales presented by Petitioner. Each sale was eliminated for two or more reasons including: poor location away from Washington Park, smaller lot size, different floor plans of two stories, seller paid points, extensive marketing periods, and agent owned properties. One sale, at 1079 South Corona Street has comparable location from Washington Park as Respondent's Comparable Sales 2 and 3 at 954 South Corona Street and 1050 South Corona Street. However, Petitioners' comparable sale has a smaller lot area, was a "quick possession" listing, and included seller-paid points of \$7,500.

The Board accepted Respondent's comparable sales as being representative of the subject property. The Board concluded that Respondent's adjustments were reasonable; Respondent's adjustments for condition and functional utility 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).

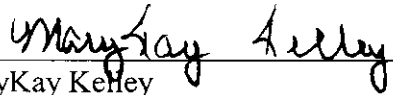
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

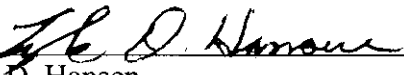
If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

CRS § 39-8-108(2) (2008).

DATED and MAILED this 27th day of January 2009.

BOARD OF ASSESSMENT APPEALS

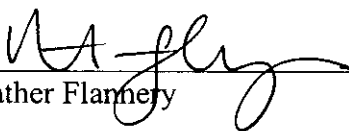

MaryKay Kehey


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.


Heather Flannery

