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| <p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>LYNN SEGAL,</p> <p>v.</p> <p>Respondent:</p> <p>BOULDER COUNTY BOARD OF EQUALIZATION.</p> | <p>Docket No.: 49520</p> |
| <p>ORDER</p> | |

THIS MATTER was heard by the Board of Assessment Appeals on September 8, 2008, Karen E. Hart and Lyle D. Hansen presiding. Petitioner appeared pro se. Respondent was represented by Michael A. Koertje, Esq. Petitioner is protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**538 Dewey Avenue, Boulder, CO
(Boulder County Schedule No. R0005309)**

The subject is described as a single-family dwelling with a detached garage that has a studio above. The residence was built in 1949 and has a total of 1,340 square feet of living area on the first floor and a total of 480 square feet of living area in the upper area. This upper living area was constructed in 1996. The two story detached garage was constructed in 2001. The studio space is unfinished and is used as storage. The residence has three bedrooms, one full bathroom, a three-quarter bath, and a half bath. The improvements are situated on a site containing a total of 6,900 square feet.

Petitioner presented an indicated value of \$450,000.00 for the subject property.

Petitioner presented a total of eleven comparable sales ranging in sales price from \$365,000.00 to \$625,000.00 and in size from 1,008 to 2,070 square feet. No adjustments were made

by Petitioner to the comparable sales. Three of the comparable sales were provided by a real estate broker and the remaining eight sales were obtained by Petitioner from the Boulder County Assessor.

Petitioner presented photos of various building components and written comments displaying physical deterioration and functional obsolescence of the improvements. These photos included, among others, poor drainage on the patio area, foundation cracks, a non-functioning AC electrical outlet, mold on the ceiling, and flaking paint on the exterior. Petitioner further presented additional detail of physical deterioration and functional obsolescence that exists in the residence including inadequate electric baseboard heat, water pipes that freeze in the winter months, improperly installed asphalt shingles causing poor water drainage, wood deterioration to the garage door, along with numerous other items identified.

Petitioner is requesting a 2007 actual value of \$450,000.00 for the subject property.

Respondent presented an indicated value of \$625,000.00 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sales price from \$530,000.00 to \$745,000.00 and in size from 1,009 to 1,883 square feet. After adjustments were made, the sales ranged from \$578,000.00 to \$737,000.00.

Respondent's Comparable Sale 1 is located approximately one-half block from the subject. Respondent accomplished a downward adjustment of \$116,555.00, or 15% of the time adjusted sale price, for a quality rating. Comparable Sales 2 and 3 were located in the same general vicinity as the subject. Comparable Sales 2 and 3 were rated as average in a quality rating with no adjustment accomplished.

Respondent's appraiser addressed the eight sales that Petitioner obtained from the Boulder County Assessor. Respondent's appraiser considered each of the eight sales inferior to the subject property. Some of the comparable sales were located adjacent to a three-cable overhead 115-kilovolt electric transmission line. Some of the sales were considered inferior in above grade finished area, garage size, and room count. One sale had an odd shaped and smaller lot area. One sale was located adjacent to a 41-unit apartment complex. One sale was located on Broadway, which has a reported average weekday traffic count of 30,190 vehicles.

The Board agreed with Respondent's rejection of Petitioner's comparable sales as being inferior in location and in physical attributes.

Respondent assigned an actual value of \$595,000.00 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 relied upon Respondent's Comparable Sale 1 because of its close proximity to the subject and comparable above grade square feet. The Board relied upon Respondent's Comparable Sale 2 because of comparable above grade square feet and construction quality. However, the Board accomplished an additional downward adjustment of 10% on both comparable sales to reflect the inferior physical condition of the subject. Respondent's appraiser testified that the Quality Rating adjustment also included an adjustment amount to reflect the difference in property condition between the subject and the comparable sale. However, the Board concluded that a separate adjustment for condition is necessary to reflect the physical deterioration Petitioner presented.

The Board concluded that the 2007 actual value of the subject property should be reduced to \$543,000.00.

ORDER:

Respondent is ordered to reduce the 2007 actual value of the subject property to \$543,000.00.

The Boulder 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 24th day of September 2008.

BOARD OF ASSESSMENT APPEALS

Karen E. Hart
Karen E. Hart

Lyle D. Hansen
Lyle D. Hansen

This decision was put on the record

SEP 24 2008

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

Heather Flannery
Heather Flannery

