

<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>GEORGE AND DEBORAH SETLOCK,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>BOULDER COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 49527</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on September 11, 2008, Diane M. DeVries and MaryKay Kelley presiding. George Setlock appeared pro se for Petitioners. Respondent was represented by Michael A. Koertje, Esq. Petitioners are protesting the 2007 actual value of the subject property.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**4149 Amber Street, Boulder, Colorado  
(Boulder County Schedule No. R0101572)**

The subject property is a 1,786-square-foot ranch with basement and two-car garage built in 1986. Respondent assigned a value of \$520,000.00 for tax year 2007 but is recommending a reduction to \$490,000.00. Petitioner is requesting a value of \$460,000.00.

Petitioners did not present an independent market approach but discussed Respondent's selection of comparable sales, giving Sale 3 the most weight.

Petitioners argued that a 10-15% adjustment should be applied for the proximity of the neighborhood postal boxes to the subject property and their negative visual impact and traffic hazard. Their requested value of \$460,000.00 reflects this adjustment. Respondent's witness was not convinced that the postal boxes negatively impacted value and applied no adjustment.

Petitioners disagreed with Respondent's "condition" adjustments, arguing they were arbitrary. Respondent's witness testified that the adjustments were based on information from listing agents but did not recall specifics and could not produce a work file. Because Petitioners did not provide any alternative data or adjustments for consideration, the Board relied on Respondent's adjustments.

Respondent's witness presented an indicated value of \$490,000.00 for the subject property based on the market approach. Three comparable sales were presented, ranging in sales price from \$475,000.00 to \$530,000.00. After adjustments were made, the sales ranged from \$487,000.00 to \$502,000.00. Greatest weight was placed on Sale 1 with an adjusted value of \$491,000.00.

The Board finds that the presence of the postal boxes is likely to have some impact on value but considers a 10-15% adjustment excessive. Reconciliation at the lower end of the adjusted value range is considered appropriate.

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

The Board concluded that the 2007 actual value of the subject property should be reduced to \$487,000.00.

### **ORDER:**

Respondent is ordered to reduce the 2007 actual value of the subject property to \$487,000.00.

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).

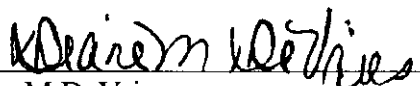
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

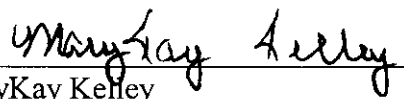
If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

CRS § 39-8-108(2) (2008).

**DATED and MAILED** this 19<sup>th</sup> day of September 2008.

**BOARD OF ASSESSMENT APPEALS**

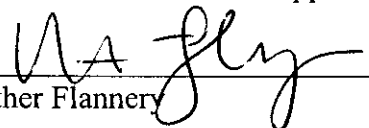
  
\_\_\_\_\_  
Diane M DeVries

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

This decision was put on the record

**SEP 19 2008**

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

