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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>FOUR-M ENTERPRISES,</p> <p>v.</p> <p>Respondent:</p> <p>DENVER COUNTY BOARD OF EQUALIZATION.</p> | <p>Docket No.: 50036</p> |
| <p>ORDER</p> | |

THIS MATTER was heard by the Board of Assessment Appeals on January 21, 2010, MaryKay Kelley and Diane M. DeVries presiding. Petitioner was represented by Sharon Slater, owner. Respondent was represented by Max Taylor, Esq. Petitioner is protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**1527 South Fillmore Street, Denver, Colorado
(Denver County Schedule No. 05243-04-021-000)**

The subject property is a one-story single family residence built in 1940 of average quality with 892 square feet of living area on a 6,250 square foot lot. There are two bedrooms, one bathroom, a 213 square foot garage, and a patio.

Ms. Slater testified that there is functional obsolescence due to the layout of the subject property; you have to go through the kitchen/laundry or front bedroom to get to the rear bedroom addition. The kitchen is small and there is no eating area. There are no upgrades; bathroom and kitchen are original.

Petitioner presented five comparable sales ranging in sales price from \$206,400.00 to \$225,000.00 and in size from 675 to 2,658 square feet that occurred in the twenty-four month period prior to June 30, 2006. No adjustments were made for differences.

Petitioner is requesting a 2007 actual value of \$200,000.00 for the subject property.

Respondent presented an indicated value of \$250,000.00 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sales price from \$250,500.00 to \$265,000.00 and in size from 898 to 982 square feet. Adjustments were made for time, size, basement, and garage. After adjustments were made, the sales ranged from \$244,500.00 to \$273,335.00.

Respondent assigned an actual value of \$239,600.00 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 gives little weight to Petitioner's comparable sales because the Board was provided insufficient data to make an adequate comparison. Lack of data includes: sales concessions, construction type, physical condition, etc.

The Board believes that the subject property does have functional obsolescence, and applies \$5,000.00 adjustments to Respondent's comparable sales. Additionally, the parties acknowledge that Sale 3 was purchased for demolition and new construction, and it is given no value. In conclusion, adjusted sales prices for Sales 1 and 2 do not support a reduction in assigned value.

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 Section 24-4-106(11), C.R.S. (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 Section 24-4-106(11), C.R.S. (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).

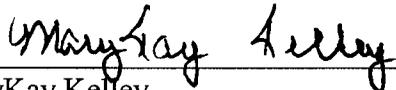
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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.

Section 39-8-108(2), C.R.S.

DATED and MAILED this 22nd day of April 2010.

BOARD OF ASSESSMENT APPEALS



MaryKay Kelley



Diane M. DeVries

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



Heather Flannery

