

<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>FOUR-M ENTERPRISES,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>DENVER COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 50039</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on January 21, 2010, Diane M. DeVries and MaryKay Kelley 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:

**2177 South Clermont Street, Denver, Colorado  
(Denver County Schedule No. 06302-04-011-000)**

The subject is a 770 square foot ranch elevation built in 1955 on a 6,170 square foot lot in the University Hills neighborhood.

Respondent assigned an actual value of \$183,200.00 for tax year 2007 but is recommending a reduction to \$182,000.00. Petitioner is requesting a value of \$150,000.00.

Ms. Slater described the high traffic volume on the subject street and the large number of cars parked at or near a church located on the subject block.

Ms. Slater presented five comparable sales ranging in sales price from \$121,000.00 to \$176,000.00 and in size from 788 to 1,016 square feet. No adjustments were made to the sales.

They were selected for their proximity to the subject, two of them on the same block and another one block away with the same traffic and church influences.

Respondent presented an indicated value of \$182,000.00 for the subject property based on the market approach. The witness presented three comparable sales ranging in sales price from \$192,700.00 to \$199,500.00 and in size from 764 to 798 square feet. After adjustments were made, the sales ranged from \$176,716.00 to \$188,436.00. Located 1.62 to 1.67 miles away, they were selected for their proximity to Hampden Avenue, a heavy traffic street, and for their similarity in age, size, and construction type. Respondent addressed Petitioner's concerns about traffic influence in his appraisal.

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

One of Petitioner's comparable sales occurred in 2008, beyond base period from January 1, 2005 to June 30, 2006. The Board gives no weight to this comparable.

The Board gives little weight to Petitioner's remaining comparable sales because insufficient data (construction quality, condition, basement, garage, porches and patios, etc.) was provided to derive an indicated value.

However, The Board questions the approximate \$30,000.00 difference between the averages of Petitioner's and Respondent's unadjusted sales prices: Petitioner's sales are clustered near the subject, while Respondent's are clustered almost two miles south. Respondent's witness was unable to define the reason for the disparity and declined further research.

The Board concludes that an 18% difference exists between the two sets of comparable selling prices, and for lack of additional information, applies this adjustment to Respondent's sales.

The Board concludes that the 2007 actual value of the subject property should be reduced to \$150,000.00.

**ORDER:**

Respondent is ordered to reduce the 2007 actual value of the subject property to \$150,000.00.

The Denver County Assessor is directed to change his/her 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 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.

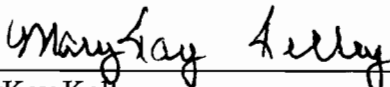
If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

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

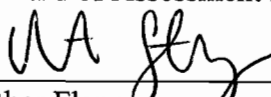
**DATED and MAILED** this 22<sup>nd</sup> day of April 2010.

**BOARD OF ASSESSMENT APPEALS**

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

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

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

  
\_\_\_\_\_  
Heather Flannery

