

<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>JOEL D &amp; MARGARET K RIPMASTER,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>BOULDER COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 53142</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on March 16, 2010, Debra A. Baumbach and Sondra W. Mercier presiding. Petitioners appeared pro se. Respondent was represented by Michael A. Koertje, Esq. Petitioners are protesting the 2009 actual value of the subject property.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**626 13<sup>th</sup> Street, Boulder, Colorado  
(Boulder County Schedule No. R0002709)**

The subject is a three-story single-family residence with 3,104 square feet finished above grade. The home was built in 1930 with a minor addition and renovation in 1997. The property is designated as a Local Historic Landmark through the City of Boulder and subject to preservation ordinances that impose restrictions on what changes are allowed to the exterior of the home.

Based on the market approach, Petitioners presented an indicated value of \$1,150,000.00 for the subject property.

Petitioners placed the greatest reliance on four comparable sales ranging in sales price from \$1,040,500.00 to \$1,200,000.00 and in size 2,586 to 4,408 square feet. Petitioner, Joel Ripmaster, testified that adjustments were made to reflect differences in lot size, date of sale, condition, square

footage, double pane windows and the subject's superior exterior wall. Petitioners relied on the average of these four sales.

Petitioners contend that all four of the sales they relied on are within two blocks of the subject and most accurately reflect the location of the subject. Further, Petitioners believe that Respondent failed to accurately reflect the limitations placed on the property due to the landmark designation and included sales in their analysis that are not comparable to the subject.

Petitioners are requesting a 2009 actual value of \$1,150,000.00 for the subject property.

Respondent presented an indicated value of \$1,400,000.00 for the subject property based on the market approach.

Respondent's witness, Samuel M. Forsyth, presented five comparable sales ranging in sales price from \$1,078,000.00 to \$2,301,200.00 and in size from 2,212 to 4,833 square feet. After adjustments were made, the sales ranged from \$1,245,200.00 to \$1,602,300.00. Respondent made adjustments for differences including location north of Baseline, remodeling, quality, condition, above grade and basement square footage, bathrooms and studio area. Respondent placed the greatest reliance on Comparable Sales 1, 2 and 4 based on quality, condition and location.

Respondent's witness testified that he was unable to accurately reflect the quality and condition of the property resulting from the landmark designation because he was not allowed to inspect the subject.

Respondent assigned an actual value of \$1,655,500.00 to the subject property for tax year 2009; however, now recommends a value \$1,400,000.00 for the subject based on Mr. Forsyth's appraisal.

Petitioners presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2009.

The Board was convinced that Respondent's Sales 1 and 2 were most similar to the subject for age, quality, size and condition, indicating a range in value for the subject of \$1,245,200.00 to \$1,369,300.00 with an average of \$1,307,250.00. Respondent provided adequate information to support the large upward adjustment for location applied to these two sales. While Respondent's Sale 4 was included for its similar location, it received a net adjustment of over 30% resulting from differences including size, quality and year built.

Petitioners placed the greatest reliance on four sales indicating an adjusted price range of \$1,001,510.00 to \$1,292,660.00. While Mr. Ripmaster testified regarding what the adjustments included, adjustments were not detailed or supported for the Board.

The Board concluded that the 2009 actual value of the subject property should be reduced to \$1,300,000.00 based on a combination of sales most relied on by both parties.

**ORDER:**

Respondent is ordered to reduce the 2009 actual value of the subject property to \$1,300,000.00.

The Boulder 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 7<sup>th</sup> day of May 2010.

BOARD OF ASSESSMENT APPEALS

*Debra A. Baumbach*

Debra A. Baumbach

*Sondra W. Mercier*

Sondra W. Mercier

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

*Heather Flannery*

Heather Flannery

