

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>RONALD J. AHRENKIEL,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 53160</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on June 17, 2010, MaryKay Kelley and Debra A. Baumbach presiding. Petitioner appeared pro se. Respondent was represented by Martin E. McKinney, Esq. Petitioner is protesting the 2009 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**12959 West Montana Drive, Lakewood, Colorado
(Jefferson County Schedule No. 028839)**

The subject property is a frame and brick ranch style residence constructed in 1972, and situated on a 9,983 square foot lot located in Green Mountain Village Filing # 25 Subdivision. There are 1,445 square feet of living area with a 1,147 square foot finished basement. There are three bedrooms, one full bathroom, two three-quarter baths, a wood stove, a covered porch and a two-car garage.

Based on the market approach, Petitioner presented six comparable sales ranging in sales price from \$251,900.00 to \$265,000.00 and in size from 1,454 to 1,539 square feet. Located within one mile of the subject, Petitioner considered them more similar in size, style and quality than Respondent’s sales. No adjustments were made for any differences in physical characteristics.

The subject property is a Hutchinson-built Model A ranch and does not reflect the higher value range of the Model B ranch, which has superior amenities. Mr. Ahrenkiel argued that the two should not be compared, as the B plans have always realized higher sales prices and higher actual values. He presented average sales prices and actual values of both models to demonstrate the difference.

Petitioner testified that many of Respondent's sales had extensive remodeling and sold for much less than Respondent's concluded value. Respondent used superior sales to value the subject property and did not give consideration to Petitioner's sales. There were no major upgrades or remodeling done to the subject property and it should not have been compared to homes that were remodeled and upgraded.

Mr. Ahrenkiel argued that his property's actual value increased from the prior tax year, more so than the majority of homes in the subdivision, and that an increase did not adequately represent economic conditions resulting in declining values. He compared average prices of Hutchinson Homes sales from the first halves of 2007 and 2009, concluding to a 23% decrease. He also presented 2009 actual values of several properties that showed decreases from 2008.

Petitioner is requesting a 2009 actual value of \$250,000.00 for the subject property, corresponding to the subject's actual value for tax years 2007 and 2008.

Respondent's witness, Patty Jo White, a Certified Residential Appraiser with the Jefferson County Assessor's office, presented four comparable sales ranging in sales price from \$282,000.00 to \$293,000.00 and in size from 1,444 to 1,477 square feet. After adjustments were made for physical differences, personal property and market conditions the sales ranged in sales price from \$270,600.00 to \$300,900.00. Ms. White concluded to a value of \$289,000.00.

Respondent's witness testified that the comparable sales selected were considered to be the most similar in size, style, quality and market appeal. All of the sales were located within several blocks of the subject and require minimal adjustments.

Respondent's witness based her adjustments on regression analysis. The Assessor's office does not distinguish between differences in model types but does adjust for physical differences between sales. After review of Petitioner's sales and after adjustments for all differences in physical characteristics, the adjusted value range supported the value assigned to the subject property.

Respondent assigned an actual value of \$276,550.00 to the subject property for tax year 2009.

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

Both parties presented ranch style homes for comparison, although Respondent's sales were similar in age while five of Petitioner's six were up to ten years older. The Board adjusted

Petitioner's sales using Respondent's adjustment calculations, concluding to a range that brackets the subject's 2009 assigned value. The Board notes that the conditions of Petitioner's sale were unknown. Respondent's sales were closer in age, were located nearer to the subject, required minimal adjustments, and included conditions of sale. They are given the most weight.

Petitioner also used an equalization argument, comparing assigned values to the subject property. The Board may consider an equalization argument if evidence and testimony can show that the assigned values of those properties were derived by application of the market approach and that each comparable property was valued correctly. There was insufficient evidence and testimony presented for the Board to give much weight to Petitioner's equalization argument.

The Board affirms Respondent's assigned value of \$276,550.00.

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 16th day of August 2010.

BOARD OF ASSESSMENT APPEALS

MaryKay Kelley
MaryKay Kelley

Debra A. Baumbach
Debra A. Baumbach

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

Heather Flannery
Heather Flannery

