

<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>ERIC P. AND SHELLEY M. BERNSDORF,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>DOUGLAS COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 53448</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on December 1, 2010, Karen E. Hart and MaryKay Kelley presiding. Eric P. Bernsdorf appeared pro se on behalf of Petitioners. Respondent was represented by Robert D. Clark, Esq. Petitioners are protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**1043 Finn Avenue, Littleton, Colorado  
Douglas County Schedule No. R0350095**

The subject property is a 1,861 square foot ranch with walkout basement built in 1965 and moved to 6.18 acres in the McArthur Ranch subdivision in the 1980s. Petitioners purchased the property while it was in foreclosure for \$465,000.00 on June 30, 2008.

Petitioners are requesting an actual value of \$465,000.00 for the subject property for tax year 2009. Respondent assigned a value of \$480,805.00 for tax year 2009.

Mr. Bernsdorf testified that the house had been vacant in excess of one year at time of purchase and its condition was poor. The roof was damaged with uncapped vents and open to the elements, resulting in flooding, infestation, and loss of structural integrity. Exterior wall damage required replacement. Installation of the electrical system was inadequate and required replacement, for the following reasons: wiring did not meet code, electrical panels had been recalled, and live wires were exposed. Fireplace vents had been severed and were open to the roof. Rotting porches and decks required removal. Plumbing fixtures required replacement. Mr. Bernsdorf estimated

\$78,000.00 of expenses were incurred prior to January 1, 2009, after which renovation continued. Petitioners, arguing that considerable demolition had occurred between purchase and assessment date, contended that physical condition remained poor and requested an actual value of \$465,000.00, which was their purchase price.

Respondent presented a value of \$488,000.00 for the subject property based on the market approach. Respondent's witness, Mr. Jerry McLeland, presented three comparable sales ranging in sale price from \$340,000.00 to \$629,700.00 and in size from 1,450 to 2,304 square feet. After adjustments were made, the sales ranged from \$348,750.00 to \$542,933.00.

Mr. McLeland presented one foreclosure sale and two arm's length transactions. The two arm's length transactions were considered to be in superior condition, and a condition adjustment of \$70,000.00, based on the difference in sale prices before and after rehabilitation, was applied.

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

The Board is convinced that the subject property's purchase is integral to valuation. It is also convinced that the home's physical condition was poor at time of purchase and fair to poor as of the assessment date. The Board agrees with Petitioners that the purchase price of \$465,000.00 represented the home's physical condition both at time of sale and on January 1, 2009. Also, it is supported by Respondent's Sale 2, a foreclosure sale, and bracketed by Respondent's adjusted sales price range (\$348,750.00 to \$542,933.00).

**ORDER:**

Respondent is ordered to reduce the 2009 actual value of the subject property to \$465,000.00

The Douglas 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 29 day of December 2010.

**BOARD OF ASSESSMENT APPEALS**

*Karen E Hart*

Karen E. Hart

*MaryKay Kelley*

MaryKay Kelley

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

*Amy Bruins*  
Amy Bruins

