

<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>RICHARD A. STEWART,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>DENVER COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 54277</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on May 9, 2011 , Debra A. Baumbach and Lyle D. Hansen presiding. Petitioner appeared pro. Respondent was represented by David V. Cooke, Esq. Petitioner is protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**3982 Utica Street, Denver, Colorado  
Denver County Schedule No. 02193-17-002-000**

The subject property consists of a one-story single-family residence with Johns-Manville siding, built in 1900 and containing a total of 752 square feet of gross living area on the main level and a 207-square foot basement with no finish. The residence has two bedrooms, one bath, and a front porch. The improvements are situated on a 6,000 square foot lot.

Petitioner is requesting an actual value of \$125,000.00 for the subject property for tax year 2009. Respondent assigned a value of \$181,100.00 for the subject property for tax year 2009.

Petitioner presented no comparable sales.

Petitioner, Mr. Richard Stewart, testified that his property improvements are over 100 years old and in poor condition. The improvements have not been updated, the electrical system consists of the old buss bars and fuses and that the residence has outlived its usefulness. He testified that the improvements need to be demolished and that the value of the property is in the land only. He testified that the property value is affected by poor alley access resulting from commercial traffic

from the business located across the alley. Mr. Stewart testified that Respondent's three comparable sales had received updating to the improvements resulting in superior condition when compared to his property.

Petitioner is requesting a 2009 actual value of \$125,000.00 for the subject property.

Respondent presented a value of \$195,000.00 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sale price from \$159,900.00 to \$225,000.00 and in size from 680 to 758 square feet. After adjustments were made, the sales ranged from \$175,055.00 to \$199,500.00.

Respondent's appraiser, Mr. Kenneth Drybread, testified that his three comparable sales, which are located in the same immediate vicinity as the subject, incur the same negative impact from the nearby commercial properties. Mr. Drybread testified that he adjusted his comparable sales for differences in lot size, gross living area, basement area and garage spaces. Mr. Drybread also adjusted each comparable sale downward at \$25.00 per square foot of living area resulting in a downward adjustment of \$20,000 to recognize the inferior condition of the subject. He based this adjustment upon his construction experience and in conversations with contractors.

Respondent assigned an actual value of \$181,100.00 to the subject property for tax year 2009.

Sufficient probative evidence and testimony to show that the subject property was correctly valued for tax year 2009.

The Board relied upon Respondent's value estimate since Petitioner provided no comparable sales to support his value estimate. The three comparable sales provided by Mr. Drybread were located in the same residential area and in close proximity to the subject. The Board agreed with the appraiser's adjustment analysis to the three comparable sales, but the Board concluded that a larger adjustment for differences in improvement condition for the subject, when compared to the improvement conditions of the three comparable sales, should be accomplished. Mr. Drybread concluded the final value estimate in the upper portion of his adjusted sale price range. The Board concluded that a larger downward adjustment for differences in improvement condition should be included; however, the Board concluded that the assigned value at \$181,100.00 properly reflects that larger adjustment.

**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 16 day of May 2011.

**BOARD OF ASSESSMENT APPEALS**

Debra A. Baumbach

Debra A. Baumbach

Lyle D. Hansen

Lyle D. Hansen

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

Amy Bruins

Amy Bruins

