

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>KEVIN EDWARDS,</p> <p>v.</p> <p>Respondent:</p> <p>BOULDER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 59442</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on July 9th 2012, Diane M. DeVries, Brooke Leer and Debra A. Baumbach presiding. Petitioner, Kevin Edwards, appeared pro se. Respondent was represented by Michael A. Koertje, Esq. Petitioner is protesting the 2011 actual value of the subject property.

Subject property is described as follows:

**6898 Harvest Rd
Gun Barrel Green
Boulder, Colorado 80304
Schedule No. R0031878**

The subject property consists of a frame and brick split-level residence built in 1973. There is 1,524 square feet of above grade living area and a 720 square foot finished garden level basement. There are three bedrooms, one full bathroom, one three-quarter bathroom and one half bathroom. There is an attached 480 square foot garage and site area is 14,414 square feet.

Petitioner is requesting an actual value of \$325,000 for the subject property for tax year 2011. Respondent assigned a value of \$406,000 for the subject property for tax year 2011 but is recommending a reduction in value to \$365,000.

Petitioner, Mr. Kevin Edwards, contends that Respondent has overvalued the subject property. According to Mr. Edwards, at each level of the appeal process Respondent used different comparable sales indicating a diverse range of values. Mr. Edwards further contended that

Respondent valued the subject property above the price per square foot range indicated for the subject by Respondent's comparables.

Mr. Edwards presented a value of \$325,000 for the subject property based on a price per square foot analysis. He relied on the comparable sales used by the Assessor's Office at each level of appeal and took the finished square footage of each of the sales and divided them by the sales price. The values were added and divided by the number of sales to derive an average value range. The indicated price per square foot ranged from \$143.62 to \$149.06 and Petitioner concluded to a value of \$325,000 for the subject.

Petitioner is requesting a 2011 actual value of \$325,000 for the subject property.

Respondent's witness, Mr. Stewart A. Leach, Senior Mentor Appraiser and Certified General Appraiser with the Boulder County Assessor, presented an indicated value \$365,000 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sales price from \$405,000 to \$435,000 and in size from 1,602 to 2,320 square feet. After adjustments were made, the sales ranged in sales price from \$360,000 to \$368,000.

Mr. Leach inspected the subject property and rated the property's condition as average with minimal updating. The comparable sales used are all located within the same subdivision and reflect similar structural condition and market condition in the subject's area. Adjustments were made for all differences in physical characteristic and any factors affecting the overall values. Mr. Leach placed the least weight on comparable sale 3 due to the location and requiring a higher degree of adjustments. Mr. Leach correlated to a value of \$365,000 for the subject property.

Respondent assigned an actual value of \$406,000 to the subject property for tax year 2011.

Petitioner presented sufficient probative evidence and testimony to show that the subject property was incorrectly valued for tax year 2011.

The Board concluded that Respondent's market approach was the most persuasive evidence presented at the hearing. Respondent relied on sales that took place in the allotted time period permissible by statute. Respondent made appropriate adjustments to the sales for any differences and factors affecting the subject property.

The Board gave minimal weight to Petitioner's valuation methodology in deriving a value based on an average price per square foot. Petitioner's methodology did not take into consideration any factors affecting the value of each of the sales.

ORDER:

The Petition is granted.

The Boulder County Assessor is directed to reduce the 2011 value of the subject property to Respondent's recommended value of \$365,000.

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).

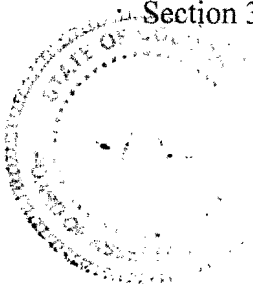
If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the respondent county, may petition the Court of Appeals for judicial review according 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.

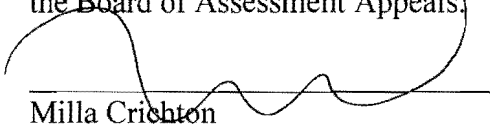
If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

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

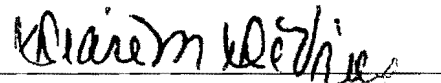
DATED and MAILED this 24th day of July, 2012.

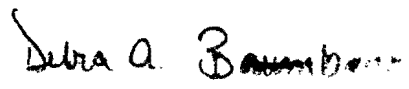


I hereby certify that this is a true and correct copy of the decision of the Board of Assessment Appeals.


Milla Crichton

BOARD OF ASSESSMENT APPEALS


Diane M. DeVries


Debra A. Baumbach