

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>LARRY B. AND ROBIN J. FOILES,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 59588</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on July 18, 2012, Amy J. Williams and Diane M. DeVries presiding. Petitioners were represented by Larry B. Foiles. Respondent was represented by Writer Mott, Esq. Petitioners are protesting the 2011 actual value of the subject property.

Subject property is described as follows:

**9001 West 10th Avenue, Lakewood, Colorado
Jefferson County Schedule No. 052498**

The subject property is a two story, above average quality single family residence with frame construction, originally built in 1918 with an adjusted year built of 1979. There are 2,699 square feet of main living area, a 1,269 square foot basement, a three car attached garage, a detached garage, carport, covered porch, three bedrooms, one full bath, and two 3/4 baths. There is gas forced air heating and central air and one fireplace. This house is located on a 2.188 acre lot.

Petitioners are requesting an actual value of \$431,868 for the subject property for tax year 2011. Respondent assigned a value of \$578,940 for the subject property for tax year 2011.

Mr. Larry Foiles, Realtor, presented ten comparable sales ranging in sale price from \$212,900 to \$650,000 and in size from 2,044 to 4,430 square feet. No adjustments for differences were made. Raw per square foot price ranged from \$76.83 to \$213.04 with an average of \$137.78. Mr. Foiles

estimated the value of the subject property at 2,699 square feet times \$137.78 for a total of \$371,868 plus \$60,000 for the land for a total of \$431,868.

Mr. Foiles presented Wight-Kamp Historic Farmstead Official Development Plan and explained the permitted uses of the subject property.

Petitioners are requesting a 2011 actual value of \$431,868 for the subject property.

Respondent presented a value of \$613,000 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sale price from \$415,000 to \$570,000 and in size from 2,396 to 2,654 square feet. After adjustments were made, the sales ranged from \$536,700 to \$675,250.

Patty Jo White, Certified Residential Appraiser with the Jefferson County Assessor's Office, testified that she did a physical inspection of the subject property. In 2008 Petitioners put in place a PUD which allows no new development and places deed restrictions on the property. Ms. White made adjustments for market conditions, land size, contributor adjustment, construction, year built, main living square footage, basement, garages, utility, sheds, patios.

Respondent assigned an actual value of \$578,940 to the subject property for tax year 2011.

Petitioners presented insufficient probative evidence or testimony to prove that the subject property was incorrectly valued for tax year 2011.

Petitioners' method of valuing the subject property using averages of comparable sales and not making appropriate adjustments for differences and characteristics is not an approved method of valuing residential property in the State of Colorado.

Colorado case law requires that the "[Petitioner] must prove that the assessor's valuation is incorrect by a preponderance of the evidence . . ." *Bd. Of Assessment Appeals v. Sampson*, 105 P.3d 198 , 204 (Colo. 2005). After careful consideration of the evidence and testimony presented at the hearing, the Board concludes that Respondent's sales comparison approach and adjustments accurately reflect the market value of the subject property as of June 30, 2010.

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).

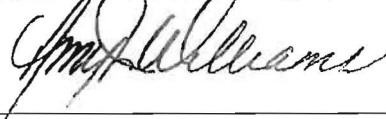
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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.

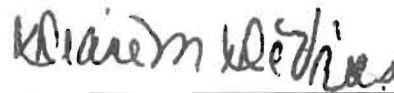
Section 39-8-108(2), C.R.S.

DATED and MAILED this 6th day of August, 2012.

BOARD OF ASSESSMENT APPEALS

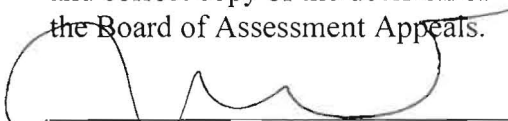


Amy J. Williams



Diane M. DeVries

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



Milla Crichton

