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| <p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioners:</p> <p>LON AND SANDRA OPSAHL,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p> | <p>Docket No.: 60805</p> |
| <p>ORDER</p> | |

THIS MATTER was heard by the Board of Assessment Appeals on July 11, 2013, Louesa Maricle and MaryKay Kelley presiding. Mr. Lon Opsahl appeared pro se on behalf of Petitioners. Respondent was represented by Writer Mott, Esq. Petitioners are protesting the 2012 actual value of the subject property.

Subject property is described as follows:

**7514 Queen Circle, Arvada, Colorado
Jefferson County Schedule No. 124378**

The subject property is a 1,808 square foot ranch with basement and garage. It was built in 1981 on a 7,825 square foot lot in the Lamplighter subdivision. The subject has deferred maintenance that includes a heaving basement floor, an inoperable hot tub, and cracked exterior concrete. The parties agree on a cost to cure of \$25,739.

Respondent assigned a value of \$314,560 for the subject property but is recommending a reduction to \$286,140. Petitioners are requesting a value of \$250,000.

Mr. Opsahl presented three comparable sales: (Sale One) 7494 Queen Circle, which sold for \$328,000 in August of 2008; (Sale Two) 10661 West 74th Place, which sold for \$223,000 in December of 2009; and (Sale Three) 7698 Newman Street, which sold for \$234,900 in May of 2010. Mr. Opsahl applied adjustments derived from an appraisal performed for mortgage purposes, adjusted values being \$249,625, \$231,358, and \$248,900, respectively. While all three were ranch

elevations like the subject, Mr. Opsahl gave most weight to Sale One, which is the same floor plan as the subject, although larger, and he concluded to a value of \$250,000.

Respondent presented a value of \$286,140 based on the market approach. Respondent's witness, Cary J. Lindeman, presented three comparable sales, two of them ranches and one a two-story, ranging in price from \$235,000 to \$328,000. After adjustments were made, values ranged from \$275,800 to \$293,900.

Ms. Lindeman objected to Petitioners' Sale One because it was purchased for a half interest, Sale Two because its lower price suggested it was an outlier, and Sale Three because it was a foreclosure.

Petitioners presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2012.

The Board finds the following comparable sales to be less reliable indicators of value: Respondent's Sale Two is a two-story elevation, which appeals to a different buyer than a ranch design; and Petitioners' Sales Two and Three were built in 1968, less preferable than homes of similar vintage.

The Board finds the following comparable sales to be the best indicators of value: Respondent's Sales One and Three; and Petitioners' Sale One, which, although larger and a 2008 sale, is the same floor plan as the subject and more indicative of the marketplace than Respondent's two-story elevation.

Application of Respondent's adjustments to Petitioners' Sale One indicates an estimated adjusted value from the mid-\$250,000s to the mid-\$260,000s. While not given sufficient data for more definitive adjustments and with some concern about reliability due to the half-interest purchase (not fully defined by either party), this sale suggests that Respondent's recommended value should be lowered. Petitioners' Sale One and Respondent's Sale Three (\$293,900) are given most weight due to their locations within Lamplighter.

ORDER:

Respondent is ordered to reduce the 2012 actual value of the subject property to \$275,000.

The Jefferson County Assessor is directed to change their 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 7th day of August, 2013.



BOARD OF ASSESSMENT APPEALS

A handwritten signature in black ink, appearing to read "Louesa Maricle".

Louesa Maricle

A handwritten signature in black ink, appearing to read "MaryKay Kelley".

MaryKay Kelley

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

A handwritten signature in black ink, appearing to read "Milla Lishchuk".

Milla Lishchuk