

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>SCOTT PANTER & LISA BONILLA PANTER,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF COMMISSIONERS.</p>	<p>Docket No.: 63272</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on July 16, 2014, James R. Meurer and Louesa Maricle presiding. Mr. Scott Panter appeared pro se via telephone on behalf of Petitioners. Respondent was represented by Writer Mott, Esq. Petitioners are requesting a refund/abatement on the subject property for the 2012 tax year.

Subject property is described as follows:

**3017 Depew Street, Wheat Ridge, Colorado
Jefferson County Schedule No. 021451**

The subject property consists of a two-story single family residence situated in the Olinger Gardens subdivision in Wheat Ridge. The two-bedroom, two-bathroom residence was built in 2006 and has 3,547 total square feet of above ground living area and an attached garage. The property is described by the Jefferson County Assessor's Office as a custom built residence of above average quality.

Petitioners are requesting an actual value of \$350,000 for the subject property for tax year 2012. Respondent assigned a value of \$430,000 for the subject property for tax year 2012.

Petitioner, Mr. Panter, presented three comparable sales ranging in price from \$249,900 to \$345,000 and in size from 1,358 to 2,358 square feet. The sales were constructed in 1952, 1955, and 1980. The sales occurred in 2008 and 2010. Mr. Panter testified that his three comparable sales are located fairly close to the subject property and are more reflective of the neighborhood than the sales

used by Respondent. Mr. Panter did not make market adjustments to the comparable sales, but contends that given the assessed values assigned to these sales, the property characteristics, age, condition, and sale prices of these comparable sales and other properties in the neighborhood during the base period, it is his opinion that a fair value for the subject property is \$350,000.

Respondent presented Ms. Dorin Tissaw as witness. Ms. Tissaw is a Registered Appraiser in Colorado and is employed as an appraiser by the Jefferson County Assessor's Office. The witness presented an appraisal with a value of \$449,000 for the subject property based on the market approach.

Ms. Tissaw testified that the subject property is in a neighborhood comprised primarily of older ranch design single family homes of below average condition. It is a gradually up and coming area where some homes have been demolished and new houses built. The subject property is a newer house situated among older homes. The witness presented three comparable sales ranging in price from \$322,000 to \$435,000 and in size from 2,032 to 2,527 square feet of above grade living area. The sales all occurred in 2008 and 2009. The proximity of sales to the subject property ranges from 1 block to within 3 miles and all are located in the same economic area as the subject, as defined by Jefferson County. Like the subject, the properties were all two-story design. Sale 1 had an original date of construction of 1948 with an adjusted year of construction of 1981 because of unspecified improvements. Sales 2 and 3 were built in 2002 and 2008, respectively. After adjustments were made, the sales had indicated values ranging from \$428,000 to \$459,700. The witness testified that Sales 2 and 3 were both built on in-fill sites after the previous homes had been demolished, similar to the subject property. The witness gave most weight to Sale 3 and concluded to a market value for the subject of \$449,000.

Respondent assigned an actual value of \$430,000 to the subject property for tax year 2012, which is lower than the appraised value of \$449,000 presented by Respondent's witness.

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

"Direct sales comparisons, with sales adjustments determined from market analysis, will be made." *Assessor's Reference Library* Volume 3. See Assessor's Reference Library, Vol. 3, Section 1.15.

The Board finds that Petitioners' comparable sales are significantly older properties, which causes them to be less comparable to the 2006 date of construction of the subject property. Also, Petitioners did not make market adjustments to the comparable sales relative to the subject property, as required by the market approach to value methodology. As a result, the Board concludes that the unadjusted sale prices for Petitioners' comparable sales do not provide credible support for a conclusion of value.

Respondent presented an appraisal report using comparable sales that were adjusted for time and differences in physical characteristics, as required by the market approach to value methodology. The Board finds that Respondent's Sale 1 had the oldest original date of construction of 1948 and

also produced the highest adjusted value of Respondent's comparables. Because of age and the lack of information presented about the improvements made to that residence to warrant a change in effective date of construction to 1981, the Board concludes that insufficient evidence was presented to demonstrate that Sale 1 provided a reliable indication of value for the subject. The Board finds that Respondent's Sales 2 and 3 are most similar to the subject in age, and although Sale 3 is located farthest from the subject than the other sales presented, the Board was persuaded that it is affected by similar neighborhood characteristics, including the influence of a slowly redeveloping area. The adjusted value indications for Respondent's Sales 2 and 3 are \$428,000 and \$453,100. The Board concludes that Respondent's Sales 2 and 3 support the assigned value of \$430,000 for the subject property.

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-nine 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 for assessment of the county wherein the property is located, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provision 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-nine days after the date of the service of the final order entered).

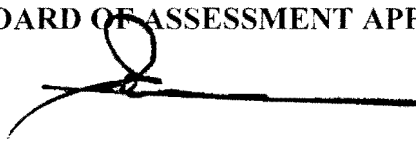
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law when Respondent alleges procedural errors or errors of law by the Board.

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 for assessment of the county in which the property is located, Respondent may petition the Court of Appeals for judicial review of such questions.

Section 39-10-114.5(2), C.R.S.

DATED and MAILED this 23rd day of July, 2014.

BOARD OF ASSESSMENT APPEALS

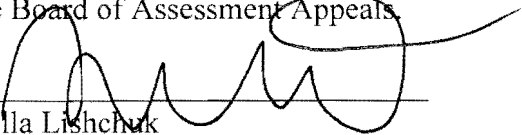


James R. Meurer



Louesa Maricle

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



Milla Lishchuk

