

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>ROBERTA THOMAS,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 63276</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on July 10, 2014, Louesa Maricle and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by Writer Mott, Esq. Petitioner is protesting the 2013 actual value of the subject property.

Subject property is described as follows:

**4295 Balsam Street, Wheat Ridge, Colorado
Jefferson County Schedule No. 024038**

The subject is a 1,414 square foot brick ranch with basement and garage. It was built in 1953 on a 0.244 square foot lot.

Respondent assigned a value of \$247,900 for tax year 2013. Petitioner is requesting a value of \$209,000.

Ms. Thomas purchased the subject property in 2002. It has been maintained but is dated; the kitchen is small with original wood cabinets, windows are the original steel casement, bathroom fixtures and tile are pink and gray, and the yard does not have a sprinkler system. It does not compare with homes that have been remodeled and updated.

Ms. Thomas discussed negative influences in the immediate area. Just south of 44th Avenue are multi-unit buildings, one of them a 1920's house joined to a garage and converted to multi-family housing. The result is insufficient parking and congested streets.

Ms. Thomas presented 17 sales in Wheat Ridge, a mix of ranches, two stories, raised ranches, and tri-levels. Sale prices ranged from \$150,000 to \$225,000. No adjustments were made to the sales.

Ms. Thomas noted that her appeal was prompted by incorrect assessor data, specifically records showing six bedrooms when the main floor has three and the basement one. She also discussed the depressed real estate market during the base period and considered the prior 2011 assigned value of \$190,000 to be more realistic. She is requesting an actual value of \$209,000 for tax year 2013.

Respondent presented a sales comparison analysis to derive a value of \$268,000. Respondent's witness, Dorin Tissaw, Licensed Appraiser, described the subject as extremely clean but not updated. She presented three comparable sales located within three blocks of the subject. They ranged in sale price from \$235,000 to \$278,000 and in size from 1,165 to 1,482 square feet. Adjustments were made for overall value increase (single family homes in Area 2), lot size, main floor and basement size and finish, room count, walkout (the subject has a rear door accessing the basement), and air conditioning. Adjusted sale prices ranged from \$245,400 to \$288,800. Ms. Tissaw visited with all three homeowners, who described their homes as dated (similar to the subject).

Ms. Tissaw discussed Petitioner's 17 sold properties, some of which were located outside the immediate neighborhood in areas dissimilar to the subject. Some were dissimilar in style, such as two stories, split-levels, bi-levels, and raised ranches, and one was attached. Three were foreclosures, and one could not be located in the assessor records. None were considered better comparisons than her three ranches, which were located within blocks of the subject.

Ms. Tissaw did not note congestion on the subject's street nor any negative impact from multi-family housing.

Petitioner presented insufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2013.

Both state constitution and statutes require use of the market approach to value residential property. The Board finds that Respondent's comparable sales are good indicators of value for the subject property. All are ranches located within blocks of the subject.

The Board reviewed Petitioner's 17 sales. Omitting foreclosures, the sale that couldn't be located in the assessor records (8000 West 48th Place), and non-ranches, seven remain: one is located north of 44th Avenue in a different neighborhood; five are located east of Wadsworth Boulevard in a different neighborhood; and one is located west of Kipling Street in a different neighborhood. None are superior to Respondent's sales. Other than style, size, room count, garage, and sale price, none were described, and no adjustments were made to the sales as is required by statute. The Board places minimal weight on Petitioner's comparable sales; insufficient data was provided for an accurate and thorough comparison.

Respondent's witness correctly completed a site-specific appraisal of the subject property, comparing sales of similar properties and adjusting for time, size, and a variety of physical characteristics. Respondent's appraisal includes an analysis of the real estate market, which determined that values increased during the base period, and Petitioner provided no evidence that this analysis was incorrect. Value may, indeed, be higher or lower than the 2011 actual value but was determined by comparison of sales of similar properties during the base period, which also reflects economic and market changes.

The Board notes Petitioner's argument that her street was impacted by congestion due to multi-family dwellings and congestion on the street. Petitioner did not present any market data for the Board to make negative adjustments to Respondent's comparable sales.

The Board notes that Respondent's appraised value (\$268,000) is higher than the assigned value (\$247,900). Colorado Statute precludes increasing the assigned value. *See* Section 39-8-108 (5)(a), C.R.S.

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 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-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 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.

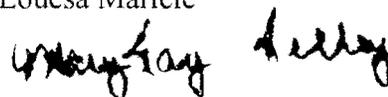
Section 39-8-108(2), C.R.S.

DATED and MAILED this 17th day of July, 2014.

BOARD OF ASSESSMENT APPEALS

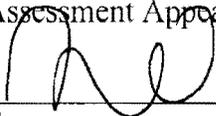


Louesa Maricle



MaryKay Kelley

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



Milla Lishchuk

