

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**

1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 63568

Petitioner:

BARRY CLINTON KISSELMAN,

v.

Respondent:

**JEFFERSON COUNTY BOARD OF
EQUALIZATION.**

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on May 7, 2014, Diane M. DeVries and MaryKay Kelley presiding. Petitioner appeared *pro se*. Respondent was represented by Rebecca Klymkowsky, Esq. Petitioner is protesting the 2013 actual value of the subject property.

Subject property is described as follows:

**1266 South Routh Way, Lakewood, Colorado
Jefferson County Schedule No. 099867**

The subject is a 1,652 square-foot house with basement and garage. It was built in 1972 on a 1.58 acre site in the Lochwood Subdivision.

Respondent assigned a value of \$410,000 for tax year 2013 but is recommending a reduction to \$387,000. Petitioner is requesting a value of \$355,000.

Mr. Kisselman discussed a loss of value throughout Lakewood during the base year while his actual value increased by almost 55%. His estimated value of \$326,742 was based on the increase since 2011 in the national average per the website www.usa.org.

Mr. Kisselman described the subject site's topography as level to steeply sloping. He argued that Respondent's positive size adjustments addressed only size and not the absence of utility.

Petitioner's witness, Joseph Goldhammer, Certified Residential Appraiser, presented a market analysis prepared for First Option Lending, LLC for refinance. It included four comparable sales and two listings. The sales ranged in price from \$294,000 to \$357,000 and in size from 1,102 to 1,618 square feet.

Mr. Goldhammer made adjustments for lot size and view, prime living and basement size and finish, condition, upgrades, and extras. Adjusted sale prices ranged from \$337,600 to \$374,300. His reconciliation involved a weighted average.

Respondent presented a market approach to derive a value of \$387,000. Respondent's witness, Patty Jo White, Certified Residential Appraiser, presented three comparable sales ranging in sale price from \$350,000 to \$417,500 and in size from 1,590 to 1,967 square feet. All three were used by Petitioner's witness.

Ms. White made adjustments for market conditions, lot size and view, prime living and basement size and finish, room count, condition, upgrades, and extras. While the lot steeped sharply with loss of usable terrain, it also offered views of open space and downtown Denver in the distance, these factors considered offsetting. Ms. White also valued the potential for subdivision and a second building site. Adjusted sale prices ranged from \$370,000 to \$399,500. Reconciliation appears to be the average of the three.

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

The Board notes the considerable difference in lot size adjustments between the two appraisals, Petitioner's ranging from \$14,800 to \$26,000 and Respondent's ranging from \$52,100 to \$55,700. The Board finds that the utility of the subject site is similar to others in the subdivision and has concerns about both parties' size adjustments because they reflect total size and not usable terrain, but the Board is unable to refine their adjustments without additional data (area of utility, for example). Respondent's witness testified that her larger adjustments included the potential for subdivision, but the subject is to be valued as it existed on January 1 of 2013. The Board places greater reliance on Petitioner's site size adjustments.

The Board notes the difference in view adjustments between the two appraisals, Petitioner's ranging from zero to \$20,000 and Respondent's ranging from \$5,000 to \$10,000. Neither party convincingly supported its adjustments; and for this reason the Board finds that the lower of the two sets (Respondent) is better defended.

The Board notes the appraisers' differences in condition and upgrade adjustments, Petitioner's ranging from zero to \$20,000 and Respondent's at \$30,000. The Board places greater reliance on Petitioner's adjustments because they were described in more detail.

The Board is confused about Petitioner's positive adjustment for Sale One's basement size and finish and has disregarded the adjustment.

Recalculation of Petitioner's market analysis concludes to a range of \$337,600 to \$324,100. Recalculation of Respondent's market analysis concludes to an adjusted range of \$329,500 to \$363,400. Greatest weight is placed on Sales One and Two, which are shared by the parties (adjusted values of \$352,900 and \$352,100 for Petitioner and \$349,900 and \$295,000 for Respondent, respectively). These adjusted values support Petitioner's requested value of \$355,000.

ORDER:

Respondent is ordered to reduce the 2013 actual value of the subject property to \$355,000.

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-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 28th day of May, 2014.

BOARD OF ASSESSMENT APPEALS

Diane M DeVries

Diane M. DeVries

MaryKay Kelley

MaryKay Kelley

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

Milla Lishchuk
Milla Lishchuk

