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| <p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>JIRI KUCINA AND JITKA KUCINOVA,</p> <p>v.</p> <p>Respondent:</p> <p>DOUGLAS COUNTY BOARD OF EQUALIZATION.</p> | <p>Docket No.: 64202</p> |
| <p>ORDER</p> | |

THIS MATTER was heard by the Board of Assessment Appeals on September 9, 2014, Sondra Mercier and MaryKay Kelley presiding. Jiri Kucina appeared pro se on behalf of Petitioners. Respondent was represented by Meredith P. Van Horn, Esq. Petitioners are protesting the 2013 actual value of the subject property.

Subject property is described as follows:

**8168 Eagleview Drive, Littleton, Colorado
Douglas County Schedule No. R0393795**

The subject is a 1,064 square foot ranch-style home with an unfinished basement and a garage. It was built in 1996 on a 6,011 square-foot site in the Roxborough Village Subdivision.

Respondent assigned an actual value of \$170,132 for tax year 2013. Petitioners are requesting a value of \$140,000.

Mr. Kucina, a Realtor, testified that he and his wife purchased the home in 1997. Other than installing a microwave, they have made no changes.

Mr. Kucina discussed the property next door, which sold for \$123,000 on March 7, 2012. Although not considered comparable due to its two-story elevation, he considered it to be most representative of the neighborhood and based his requested value of \$140,000 on this sale.

Mr. Kucina, presented three comparable sales ranging in sale price from \$115, 500 to \$150,000 and in size from 1,232 to 1,906 square feet. No adjustments were made. Note that Sale Two at \$138,000 was the first of this home's two sales and was a foreclosure with possible structural issues; Respondent presented the second of this home's two sales.

Mr. Kucina discussed Respondent's comparable sales, all of which had some degree of remodeling in comparison to the subject's original condition. In addition, he noted that Respondent's witness reported square footages and bedroom/bathroom counts per assessor records, declining the more reliable MLS data.

Respondent's witness, Becky Ann Fischer, Registered Appraiser, presented a Market Approach with a value conclusion of \$194,000. She presented three comparable sales ranging in sales price from \$190,000 to \$225,000 and in size from 1,148 to 1,253 square feet. After adjustments for time, size, basement size and finish, and garage size, adjusted sale prices ranged from \$188,994 to \$194,552.

Ms. Fischer described two of the sales as the same model by the subject builder, and all three were located in the subject subdivision. Her Sale Three, which sold for \$225,000, was the second of two transactions, the first used by Petitioners at \$138,000 and hers representing assumed remodeling and structural mitigation.

Ms. Fischer presented a map displaying sales within the neighborhood, 29 being arm's length transactions, nine being foreclosures, and three being short sales. She noted that all of Petitioner's sales involved distressed sellers, despite arm's length transactions being typical for the neighborhood.

Ms. Fischer defended her use of assessor-reported data, including size and room count, all of which was acquired and verified at time of construction and at subsequent inspections. While MLS data is part of analysis, she has more confidence in assessor-verified information.

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

The Board finds Respondent's comparable sales to be representative of the subject property. Because arm's length transactions are prevalent in the neighborhood, Petitioner's distress sales are considered atypical and not comparable.

Petitioner discussed two of Respondent's comparable sales with finished basements, not considering them comparable to the subject property, which has no basement finish. Respondent's witness was unable to find three sales without basement finish. The Board finds that selection of homes with basement finish is sometimes necessary, especially in neighborhoods built in the 1990s. In addition, Petitioner did not dispute Respondent's adjustments for basement finish. The Board finds all of Respondent's sales to be good comparisons that were appropriately adjusted.

Petitioner discussed MLS's "finished area" line item, which includes main living and finished basement square footages. While this is sometimes done for marketing purposes, the Board and professional appraisal practice support the theory that most basements, including the subject's, are not prime living space and should not be addressed as such; they are below grade, they offer secondary rooms not essential to daily living, and they should be treated independently.

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 19th day of September, 2014.

BOARD OF ASSESSMENT APPEALS



Sondra Mercier

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

