

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>RITA L. WAEGELE,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 67517</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on June 1, 2016, Louesa Maricle and MaryKay Kelley presiding. Petitioner appeared *pro se*. Respondent was represented by Rebecca Klymkowsky, Esq. Petitioner is protesting the 2015 actual value of the subject property.

Subject property is described as follows:

**6605 Alkire Court, Arvada, Colorado
Jefferson County Schedule No. 139519**

The subject is a 1,918 square foot two-story residence with a partially-finished basement and a two-car garage. It was built in 1977 in the Ralston Estates West Subdivision.

Respondent assigned an actual value of \$295,200 for tax year 2015, which is supported by an appraised value of \$299,500. Petitioner is requesting a value of \$245,000.

Ms. Waegele has owned the subject property for 39 years and described the following deficiencies: the fence needed replacement; some of the siding was chipped and broken; the foundation and front porch were settling; patio bricks had unevenly settled; and moisture has damaged the fireplace brick. She offered no estimates for repair or replacement costs.

Ms. Waegele presented photographs of poor maintenance at neighboring properties that she believed negatively affected the subject's marketability and value. The property next door was pictured as being surrounded by six automobiles, which lined the driveway and adjacent street. The

house across the street had damaged siding, window frames, and shutters. She saw no reference to those issues in Respondent's appraisal and no corresponding adjustments for negative influence on the subject's resale value.

Ms. Waegele presented three comparable sales ranging in sale price from \$231,000 to \$300,000. Sales One and Three were the same floor plan as the subject. She did not make any adjustments to these sales and did not conclude to an estimated value for the subject. However, with these sales as support, she based her requested value slightly higher than the subject's 2012 actual value (\$235,700), considering \$245,000 to be a fair and reasonable value conclusion.

Respondent presented a Sales Comparison Analysis concluding to an indicated value of \$299,500. Respondent's witness, Dorin Tissaw, Ad Valorem Appraiser for the Jefferson County Assessor's Office, presented three sales ranging in price from \$247,200 to \$312,000. After adjustments, the sale prices ranged from \$294,900 to \$303,300. Ms. Tissaw placed greatest weight on Sales One and Two with adjusted sale prices of \$294,900 and \$301,700, respectively, and concluded to a value at mid-point.

Ms. Tissaw described the subject as impeccably maintained. She did not notice any of the exterior problems identified by Petitioner. Ms. Tissaw testified that she would have considered a condition adjustment had repair or replacement estimates been provided.

Ms. Tissaw did not give any consideration to Petitioner's Sale One because, unlike the subject, it had been extensively remodeled. She did not use Petitioner's Sale Two because it was a distress sale, advertised for quick possession, and priced below market following two price reductions. Ms. Tissaw used Petitioner's Sale Three in her report for an adjusted sale price of \$301,700.

Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2015.

In review of Petitioner's sales, the Board dismisses Sale Two for two reasons; its price reductions and short sale status suggest duress, and its bi-level construction does not appeal to the same buyer. Petitioner's Sale Three was also used by Respondent for an adjusted sale price of \$301,700, and Petitioner's Sale One (subject floor plan) is an inferior comparison because it has been extensively remodeled.

Although the Board found Respondent's Sales Comparison Analysis generally persuasive, the Board was not convinced that the subject's exterior deficiencies were adequately addressed by Respondent. Without cost to cure estimates, the Board is unable to define a specific dollar figure for replacement of the fence and patio brick and to determine the extent of the problem and cost to cure the settlement and the fireplace. Despite the absence of estimates, the Board is persuaded that some repairs/replacement is necessary and applies \$10,000 to Respondent's indicated value. The Board concluded that the \$10,000 adjustment is supportable in light of the information presented by both parties. Without more information, neither Respondent nor the Board can be expected to more

accurately estimate the extent of the deficiencies claimed by Petitioner that impact the subject's marketability and value.

Respondent's witness did not address the impact of unsightly homes in the subject's immediate area. While the Board agrees that this negative influence impacts marketing, without additional support for the adjustment, the Board is unable to define additional adjustment.

The Board concluded that the 2015 actual value of the subject property should be reduced to \$289,500.

ORDER:

Respondent is ordered to reduce the 2015 actual value of the subject property to \$289,500.

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.

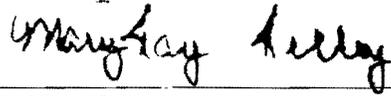
Section 39-8-108(2), C.R.S.

DATED and MAILED this 15th day of June, 2016.

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

