

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>BRENT AND JODY HENRY,</p> <p>v.</p> <p>Respondent:</p> <p>DENVER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 67728</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on May 27, 2016, Sondra Mercier and MaryKay Kelley presiding. Brent Henry appeared pro se on behalf of Petitioners. Respondent was represented by Noah Cecil, Esq. Petitioners are protesting the 2015 actual value of the subject property.

Subject property is described as follows:

**3921 South Benton Way, Denver, Colorado
Denver County Schedule No. 09014-04-009-000**

The subject is a 2,970 square foot tri-level with an unfinished basement and three-car garage. It is located on a 16,000 square foot lot in the Pinehurst Country Club Subdivision.

Respondent assigned a value of \$461,600 for tax year 2015, which is supported by an appraised value of \$520,000. Petitioners are requesting a value of \$425,000.

Petitioner, Mr. Henry, identified himself as a Certified Residential Appraiser and declined to perform an appraisal on his own property. However, he presented an analysis of six sales ranging in sale price from \$322,500 to \$455,000. After adjustments were made, the sales ranged from \$388,581 to \$435,300. Mr. Henry based Petitioners' requested value of \$425,000 on this analysis.

Mr. Henry cited Metrolist and the Case-Shiller Index in his contention that Respondent's assessment of the market did not correlate with his research of the greater Denver area and the

subject's subdivision in particular. He argued that actual values were too high and that time adjustments were not market based.

Respondent presented a value of \$520,000 for the subject property based on the market approach. Respondent's witness, Irvin D. Alumno, Ad Valorem Appraiser for the Denver County Assessor's Office, presented four comparable sales ranging in sale price from \$375,000 to \$535,095. He was denied an interior inspection of the subject property. After adjustments were made, the sales ranged from \$446,600 to \$557,395. Most weight was assigned to Sale One due to similarity in size, age, location and style even though its adjusted sale price of \$557,395 does not correlate with the value conclusion of \$520,000.

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

The Board gives Respondent's appraisal limited weight. The Board did not find persuasive the testimony or the appraisal presented by Respondent's witness. Respondent's witness was unable to explain or defend his report or any adjustments therein. The Board has concerns regarding the adequacy of Mr. Alumno's qualifications and training.

Petitioners' witness correctly completed a site-specific analysis of the subject property, comparing sales of similar properties and adjusting for time and a variety of characteristics. The Board finds Petitioners' value conclusion credible.

While the Board acknowledges Petitioners' concerns about privacy, their refusal to allow an interior inspection is a significant obstacle for Respondent's appraiser, requiring him to make extraordinary assumptions about interior features and physical condition.

The Board concludes that the 2015 actual value of the subject property should be reduced to \$425,000.

ORDER:

Respondent is ordered to reduce the 2015 actual value of the subject property to \$425,000.

The Denver 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 7th day of June, 2016.

BOARD OF ASSESSMENT APPEALS

Sondra W. Mercier

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

