

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>ROBERT &amp; PATRICIA HUDSPETH,</b> v.</p> <p>Respondent:</p> <p><b>JEFFERSON COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 68236</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on August 29, 2016, James R. Meurer and Debra A. Baumbach presiding. Petitioner, Ms. Patricia Hudspeth, appeared *pro se* on behalf of Petitioners. Respondent was represented by Casie Stokes, Esq. Petitioners are protesting the 2015 actual value of the subject property.

Subject property is described as follows:

**668 Holmes Gulch Way, Bailey, Colorado  
Jefferson County Schedule No.176357**

The subject property is a ranch style, single family residence built in 2002. The residence includes 3,365 square feet of above-grade living area. There are three bedrooms and three full bathrooms. According to the Jefferson County records, other amenities include a covered patio, hot water heat, solar and garage area. The site area consists of a 45.340 acre parcel with 180 degree views. The terrain is steep, rocky, with minimal trees and shrubs because of the Hi Meadow fire in 2000. The property is accessed by a shared easement and privately maintained road located approximately 37 miles southwest of Golden along Hwy 285 corridor.

Petitioners are requesting an actual value of \$356,000 for the subject property for tax year 2015. Respondent assigned a value of \$604,230 for the subject property for tax year 2015, but is recommending a reduction in value to \$546,000 for tax year 2016.

Petitioners' witness, Ms. Patricia Hudspeth, testified that her home and surrounding acreage were completely burned in June 2000 by the Hi Meadow fire. Petitioners claim that the insurance company did not cover their losses and they were left paying the costs to rebuild their home and to plant new trees and shrubs. Ms. Hudspeth contended that rebuilding has been an arduous process and the level of completion has been correlating with available time and funds. According to Ms. Hudspeth, as of the assessment date the residence was 76% finished with large areas of barren terrain still remaining.

Ms. Hudspeth claimed Respondent did not adequately consider the subject's level of unfinished areas and lack of vegetation. Ms. Hudspeth presented photos citing the unfinished areas, missing doors, cabinets, trim work, minimal appliances, fixtures, finishes and concrete flooring. She contended the kitchen has minimal appliances and the home has only one functioning bathroom and one bedroom. Ms. Hudspeth stated that she planted a combination of 1,500 trees and shrubs and believes that approximately 10% will survive. In addition, Ms. Hudspeth expressed her frustration in protesting the subject's level of finish and lack of vegetation at the Assessor's Office every year.

Petitioners presented three comparable sales ranging in sales price from \$340,000 to \$447,000 and in size from 1,300 to 1,835 square feet. The land area ranged from 1.288 acres to 3.660 acres. Ms. Hudspeth did not make adjustments for differences in physical characteristics. Instead, Ms. Hudspeth estimated a price per square foot for each of the sales, calculated by dividing the sales price by the square footage and deducting 76% accounting for the subject's percentage of finish. Ms. Hudspeth concluded to \$60.05 per square foot for a total improvement value of \$202,068 and calculated a land value of \$2,300 per acre. Ms. Hudspeth concluded to an actual value of \$356,000 for tax year 2015.

Respondent's witness, Ms. Laura Burtschi, Licensed Residential Appraiser with the Jefferson County Assessor's Office, presented a value of \$546,000 for the subject property based on the market approach. Respondent's witness, Ms. Burtschi, testified that she was denied access to complete an interior and exterior inspection of the subject property. Ms. Burtschi testified that she based her appraisal report on historical property data, photos from 2005 and aerial pictography at the Assessor's Office.

Respondent's witness presented four comparable sales ranging in sales price from \$393,000 to \$550,000 and in size from 1,638 to 3,784 square feet. After market adjustments for time, sales conditions, land size, land contributors, construction, age, living area, bathrooms, basement, basement finish, patio, garage area and out buildings, the sales ranged from \$528,900 to \$666,200. Ms. Burtschi concluded to a final value of \$546,000 by the market approach.

Ms. Burtschi testified that she would need to inspect the subject property to determine appropriate adjustments for the level of completion and for the lack of vegetation. Respondent's witness contends that based on photos from 2005, it appears that the unfinished areas are cosmetic rather than functional. In addition, the witness testified that visual inspections of the subject's aerial pictography over a several year time span revealed a moderate level of new vegetation on the property.

“A taxpayer’s burden of proof in a BAA proceeding is well-established; a protesting taxpayer must prove that the assessor’s valuation is incorrect by a preponderance of the evidence in a de novo BAA proceeding.” *Board of Assessment Appeals v. Sampson*, 105 P.3d 198 (Colo. 2005).

The Board finds flaws in Petitioners’ market approach, primarily due to the use of sales that are dissimilar to the subject property. Petitioners’ sales are 58% to 158% smaller in living area than the subject. The acreages were also significantly smaller ranging from 1.288 acres to 3.660 acres in contrast to the subject’s 45.240 acres.

Moreover, the Board was not persuaded by a 76% deduction for the subject’s level of unfinished areas. Petitioners provided photos depicting only a small portion of the property and appear to show mostly cosmetic damages such as missing trim, flooring and cabinet doors. There were no photos or repair cost estimates presented to demonstrate the unfinished condition of the remaining areas. In addition, based on Respondent’s aerial pictography over time, there appears to be a moderate amount of new vegetation on the subject.

The Board finds Respondent’s sales and appraisal methodology including adjustments to be most persuasive. Respondent’s appraisal is based on the best information available and adjustments were made for all differences affecting the value. The Board concludes that based on the testimony and evidence presented, Respondent’s recommended reduction in value to \$546,000 is well supported.

The Board understands Petitioners’ frustration in yearly protesting the subject’s value based on the lack of finish and lack of vegetation. However, the Board agrees with Respondent that it would be beneficial for Petitioners to allow the Assessor’s Office to inspect the property. In addition, both Respondent and the Board could have benefited if Petitioners provided repair cost estimates and photos of all unfinished areas of the subject. The inspection, repair estimates and photographs representing the entirety of the home would eliminate contentions regarding the subject’s level of finish and vegetation and address other areas that affect the value.

**ORDER:**

Respondent is ordered to reduce the 2015 actual value of the subject property to Respondent’s recommended value of \$546,000.

**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.

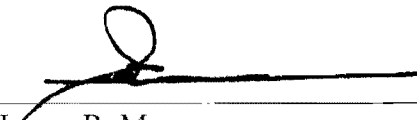
If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.


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

**DATED and MAILED** this 14th day of September, 2016.

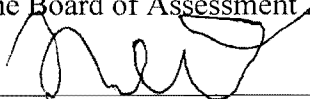
**BOARD OF ASSESSMENT APPEALS**



  
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James R. Meurer

  
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Debra A. Baumbach

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

  
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Milla Lishchuk