

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

1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 68394

Petitioner:

TERRY SULLIVAN,

v.

Respondent:

DENVER COUNTY BOARD OF EQUALIZATION.

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on November 30, 2016, Louesa Maricle and Amy J. Williams presiding. Petitioner appeared *pro se*. Respondent was represented by Marcel Shoaei, Esq. Petitioner is protesting the 2015 actual value of the subject property.

The parties stipulated to the admission of Petitioner's Exhibit 1 and Respondent's Exhibit A.

The subject property is described as follows:

**1526 East 35th Avenue
Denver, Colorado 80205
Denver County Schedule No. 02262-28-024-000**

The subject property is a 1,404-square foot residence located on a 1,250-square foot site. The subject residence was constructed in 1888 of wood frame and is of fair to average quality and in fair condition according to Respondent.

Petitioner is requesting an actual value of \$98,000 for the subject property for tax year 2015. Respondent assigned a value of \$200,500 for the subject property for tax year 2015.

Mr. Sullivan testified that the subject was built in 1888 and has had no significant remodeling since he acquired the home in 1975. He stated that he has maintained the home but that the appliances are very old, possibly from the 1930's and his roof is 20 years old. Mr. Sullivan reviewed Petitioner's Exhibit 1, a prepared statement of his position, summarily stating the problem with his

value is that it is set by the market and the market is driven by runaway inflation created by speculators and big banks. Mr. Sullivan went on to urge the Denver County Board of Equalization to oppose these forces, not support these forces, or the longtime residents such as himself, living on fixed incomes, will be pushed out of the inner city neighborhoods as a result.

Mr. Sullivan requested a value of \$98,000 for the subject property.

Respondent called Mr. Rick Armstrong, Senior Real Property Appraiser, Denver County Assessor's Office, as a witness. Mr. Armstrong testified that he had not been inside the subject residence, but is estimating the subject to be in fair condition. He stated the subject is one of the older residences in Denver and that it is one of five similar homes constructed in a row. Mr. Armstrong indicated that two of the sales utilized in the Sales Comparison Approach to value are located on the same street as the subject.

Within his Sales Comparison Approach, Mr. Armstrong utilized three sales ranging in sale price from \$191,500 to \$269,000, or \$137.77 to \$190.78 per square foot. After adjustment, the indicated value range changed to \$206,690 to \$229,208, or \$148.70 to \$162.77 per square foot. Based upon the sales and analysis presented, Mr. Sullivan concluded to a value for the subject of \$210,000, or \$149.57 per square foot via the Sales Comparison Approach.

Mr. Sullivan further testified that the Denver residential market has had significant appreciation, recognizing the "rising tide lifts all boats." He also stated that the subject could be in worse condition than estimated but that he was unable to contact Petitioner for an interior inspection.

After considering Sales Comparison Approach to value, Mr. Armstrong concluded to a final value for the subject property of \$210,000, or \$149.57 per square foot.

During cross examination, Mr. Armstrong acknowledged that he had not viewed the interior of 1520 E. 35th Street or 1524 E. 35th Street, but that he has seen interior photos provided in the MLS listing data. In response to questions from the Board, Mr. Armstrong reported that the time trending applied was calculated for the Northeast Denver market, not from city-wide data. Additionally, he explained that the functional obsolescence adjustment was made to account for the market preference to have a bath on all floors.

Respondent assigned an actual value of \$200,500 to the subject property for tax year 2015.

Petitioner presented insufficient probative evidence and testimony to prove that the tax year 2015 valuation of the subject property was incorrect.

Colorado case law requires that "[Petitioner] must prove that the assessor's valuation is incorrect by a preponderance of the evidence. . ." *Bd. of Assessment Appeals v. Sampson*, 105 P.3d 198, 204 (Colo. 2005). Petitioner did not present sufficient probative evidence to prove that Respondent's valuation of the subject was incorrect. The Board finds that Respondent utilized three sales of single family homes and applied appropriate adjustments to conclude to a well-supported value for the subject. While the Board understands Petitioner's concerns with respect to market

appreciation, Colorado law requires that the Sales Comparison Approach be used to value residential property. Petitioner did not provide any comparable residential sales upon which to support his requested value of \$98,000. Respondent's data and analysis was deemed to be credible and supportive of the assigned value.

ORDER:

The petition is denied. The Board upholds Respondent's assigned value of \$200,500.

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 21st day of December 2016.

BOARD OF ASSESSMENT APPEALS



Louesa Maricle

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



Milla Lishchuk



Amy J. Williams

