

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>GABRIEL ZAMUDIO,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 68395</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on August 3, 2016, Debra A. Baumbach and MaryKay Kelley presiding. Petitioner appeared *pro se*. Respondent was represented by Casie Stokes, Esq. Petitioner is protesting the 2015 actual value of the subject property.

Subject property is described as follows:

**2332 S. Yank Street, Lakewood
Jefferson County Schedule No. 404968**

The subject is a 2,226 square-foot, two-story residence with basement and garage. It was built in 1992 on a 9,845 square foot site in the Bear Creek Subdivision

Respondent assigned a value of \$494,210 for tax year 2015. which is supported by an appraised value of \$512,000. Petitioner is requesting a value between \$425,000 and \$450,000.

Petitioner's spouse, Ms. Debra Zamudio, testified on Petitioner's behalf and informed the Board that Petitioner was not allowed sufficient time to review Respondent's appraisal.

Ms. Zamudio presented three sets of properties; all sales in Bear Creek Village, highest and lowest sale prices removed and sorted by price per square foot. Considering averaging to be the best valuation methodology, she concluded to values of \$423,318.42, \$414,726.06, and \$423,318.42 for the subject, as represented by each of the three sets of sales.

Applying the same methodology to Respondent's sales, she concluded to a price per square foot of \$191.64, which she multiplied by the subject's 2,226 square feet to conclude to a total value of \$425,590.64.

Ms. Zamudio requested a value range of \$425,000 to \$450,000 for the subject property for tax year 2015 was based on the above two analyses.

Ms. Zamudio addressed Respondent's comparable sales, all of which she considered superior to the subject; Sale One (walkout basement, balcony and covered patio). Sale Two (larger, walkout basement, covered patio and hot tub, city view, newer roof), and Sale Three (newer, larger, golf course site, covered patio, security system, three large bedrooms, and newer roof).

Respondent's witness, Patty Jo White, Certified Residential Appraiser for the Jefferson County Appraiser's Office, presented a market approach to value the subject property. She was not permitted interior access. Her analysis included three comparable sales ranging in sale price from \$450,000 to \$488,500 and in size from 2,147 to 2,654 square feet. After adjustments, the sales ranged in price from \$477,150 to \$531,400. With greatest weight placed on Sale One, she concluded to a value of \$512,000.

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

"The actual value of residential real property shall be determined solely by consideration of the market approach to appraisal." Section 39-1-103(5)(a), C.R.S. Respondent's witness applied this methodology in her valuation.

The Board gives little weight to Petitioner's averaging methodology in arriving at subject's value; it is not considered to be an appropriate appraisal practice. Section 39-1-103(8)(a)(I), C.R.S. requires comparison of comparable sales with adjustments for differences: "Use of the market approach shall require a representative body of sales..... sufficient to set a pattern, and appraisals shall reflect due consideration of the degree of comparability of sales, including the extent of similarities and dissimilarities among properties that are compared for assessment purposes." Respondent's witness adhered to statute when valuing the subject. Therefore, the Board finds Respondent's valuation analysis more persuasive.

With regard to Petitioner's concern about having insufficient time to review Respondent's appraisal report, the Board finds that Respondent provided its appraisal report to Petitioner in a timely manner, in compliance with the Board's Rule 11. Moreover, the Board's Notice of Hearing, which was mailed to Petitioner on April 27, 2016, informed the parties that the deadline for exchange of the documentary evidence, in accordance with the Board's Rule 11, was set for July 20, 2016. Therefore, Petitioner has been made aware of the Rule 11 document exchange deadline several months before the hearing. In the future, Petitioner is encouraged to request the Board to modify the Rule 11 deadline in advance of the hearing.

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 22nd day of August, 2016.

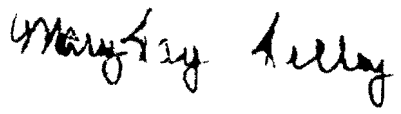
BOARD OF ASSESSMENT APPEALS

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




Milla Lishchuk


Debra Baumbach


MaryKay Kelley