

<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>LARRY AND BARBARA FUNK,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>JEFFERSON COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 68424</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on May 27, 2016, Sondra Mercier and MaryKay Kelley presiding. Larry Funk appeared pro se on behalf of Petitioners. Respondent was represented by Rebecca Klymkowsky, Esq. Petitioner is protesting the 2015 actual value of the subject property.

Subject property is described as follows:

**14581 West 56<sup>th</sup> Place, Arvada, Colorado  
Jefferson County Schedule No. 300412859**

The subject is a 2,499 square foot custom-built ranch with a walkout basement and three-car garage. It was built in 1999 on a 0.302 acre site in the Candlelight Valley Subdivision.

Respondent assigned an actual value of \$638,500 for tax year 2015, which is supported by an appraised value of \$656,000. Petitioners are requesting a value of \$600,000.

Mr. Funk presented six comparable sales (Exhibits 4 through 9) with Multiple Listing Service (MLS) printouts. Dismissing the low and high sale prices, he calculated the average of the remaining four at \$575,000. He also presented the actual values of seven properties and calculated their average at \$600,938. His requested value of \$600,000 is based on these analyses.

Mr. Funk discussed Respondent's sales. While considering Sale Two to be qualified, he dismissed Sale One as a short sale and Sale Three as new construction.

Respondent presented a Sales Comparison Analysis concluding to an indicated value of \$656,000. Respondent's witness, Dorin Tissaw, Ad Valorem Appraiser for the Jefferson County's Assessor Office, presented three comparable sales ranging in sale price from \$580,900 to \$630,000. The sale selection parameters included location within Economic Area 2 (the same schools, shopping, and other services). After adjustments, the sale prices ranged from \$650,500 to \$680,100.

Ms. Tissaw declined to use any of Petitioners' sales, in part because they were located in Economic area 5. Also, the sale represented as Exhibit 4 was on acreage and appealed to a different buyer; the sales represented as Exhibits 5 and 6 were new construction; the sale represented as Exhibit 6 carried a premium for lake frontage; the sales represented as Exhibits 7 and 8 were production built; and the sale represented as Exhibit 9 was modular built.

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 correctly completed a site-specific appraisal of the subject property, comparing sales of similar properties and adjusting for time and a variety of characteristics.

In review of Petitioners' six sales, none are considered superior comparisons to Respondent's sales: Petitioners' sale represented as Exhibit 4, otherwise very comparable, sits on a large, irregular 1.15- acre site; the sales represented as Exhibits 5 and 6 are not custom built, both sites front a lake, and enjoy superior views; the sales represented as Exhibits 7 and 8 are production built without the construction and features of custom construction; and the sale represented as Exhibit 9 is a modular construction.

The Board gives limited weight to Petitioners' methodology of averaging the adjusted sales prices (comparable sales in Exhibits 4 through 9) to arrive at a value. A better supported value conclusion would have been based on adjusted sales that were considered the most comparable to the subject.

The Board gives limited weight to Petitioners' equalization argument (Exhibits 10 through 16). An equalization argument can be considered if evidence or testimony is presented showing that the assigned value of the comparable property was derived by application of the market approach. That evidence or testimony was not presented. *Arapahoe County Board of Equalization v. Podoll*, 935P.2d 14 (Colo.1997).

## **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 7th day of June, 2016.

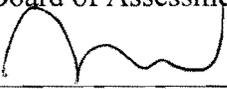
**BOARD OF ASSESSMENT APPEALS**



*Sandra W. Mercier*  
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 Sandra W. Mercier

*MaryKay Kelley*  
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 MaryKay Kelley

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