

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>TODD AND ANN LOUISE LAGRECO,</p> <p>v.</p> <p>Respondent:</p> <p>TELLER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 70322</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on December 14, 2017, Sondra Mercier and MaryKay Kelley presiding. Ann Louise LaGreco appeared pro se on behalf of Petitioners. Respondent was represented by Matthew A. Niznik, Esq. Petitioners are protesting the 2017 actual value of the subject property.

Subject property is described as follows:

**1030 Wintergreen Court, Woodland Park, Colorado
Teller County Schedule No. R0023219**

The subject is a 3,478-square foot two-story residence with partially-finished basement and three-car garage. It was built in 2005 on a 0.918-acre site in the Paradise Estates Subdivision.

Respondent assigned a value of \$542,120 for tax year 2017, which is supported by an appraised value of \$632,000. Petitioners are requesting a value of \$517,200.

Ms. LaGreco described her home's poor construction quality, inferior materials, and design flaws, disagreeing with Respondent's assignment of quality as "average-plus" and condition as "average" in the appraisal. She listed the following deficiencies: unsupported and cracked interior support beams; damaged gutters and downspouts from the weight of ice/snow; worn exterior stucco; damaged overhead garage door frames; damaged and unsupported decking; cracked asphalt driveway; inadequate boiler (less-than-hot water for residential use and for in-floor heat); cracked and damaged interior drywall; inoperable fireplace; interior water damage due to first and second floor bathroom overflows (leaking master tub is not in use); improperly installed master bath steam

unit; non-functioning exterior light fixtures; unsupported columns; dismantled kitchen cabinets; inexpensive carpet in need of replacement; exterior doors in need of replacement; and aging interior paint. Ms. LaGreco did not provide professional reports or costs to cure.

Ms. LaGreco discussed the appraisals presented at the different levels of appeal, identifying disparate adjustments and conclusions despite use of the same comparable sales. Respondent's witness explained the mass appraisal system (computer-generated statistical analysis) and subsequent levels of appeals to the Assessor and to the Board of Equalization, each of which involve site specific valuation and more thorough analyses.

Ms. LaGreco noted that her property's assigned value of \$542,120 increased from tax year 2015 (\$512,622) and that some neighboring properties decreased in the same time period: 1050 Wintergreen Court (tax year 2015 at \$374,553 and tax year 2017 at \$215,940); and 1040 Wintergreen Court (tax year 2015 at \$429,000 and tax year 2017 at \$390,308).

Ms. LaGreco presented an analysis of three sales, two of which were located in the subject subdivision and the third in a comparable subdivision. She reported sale prices and actual values for each. Dividing actual values by total finished square feet, she derived an average of \$98.00 per finished square foot, but concluded to a value of \$100.00 per square foot or \$517,200.

Respondent's witness, Betty M. Clark-Wine, Ad Valorem Appraiser and Teller County Assessor, presented a Sales Comparison Analysis prepared without a benefit of an interior inspection. Her analysis included three comparable sales ranging in sale price from \$442,500 to \$632,500. After adjustments for increasing values, physical characteristics, construction quality and condition, adjusted values ranged from \$568,264 to \$685,507.

Ms. Clark-Wine considered construction quality of the subject improvement to be "average-plus" but noted extensive deferred maintenance that she addressed separately. Without benefit of engineer reports or cost estimates, she made negative \$25,000 to all three sales. Concluding to a value of \$632,000, she testified that larger condition adjustments of \$50,000 or \$75,000 would not have resulted in a value lower than the actual value of \$542,120.

Petitioners presented insufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2017.

Petitioners presented evidence regarding the assessed values of other properties. Pursuant to Section 39-8-108(5)(b), C.R.S., Respondent's valuation of similar property similarly situated is credible evidence. The Board has reviewed and considered Petitioners' equalization argument, which was based on the average of prices per square foot of actual values. Ms. LaGreco did not adjust her sales for differences, nor did she conclude to a value based on evaluation of the three properties per the Market Approach methodology.

Section 39-1-103(8)(a)(I), C.R.S. indicates: "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 presented a Market Approach, which adheres to Section 39-1-103(5)(a), C.R.S.: the actual value of residential property shall be determined solely by consideration of the Market Approach. The Board finds Respondent's evidence more compelling and is convinced that Respondent's value conclusion, which relied on the Market Approach to appraisal, is credible.

The Board agrees with Respondent's witness that a \$25,000 adjustment for the home's physical issues is possibly insufficient. It also finds that an adjustment of twice or three times that amount would not impact the property's assigned value. Although Ms. LaGreco provided significant evidence regarding issues concerning the subject's quality and condition, there was not sufficient evidence presented to support further adjustment.

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 29th day of December, 2017.

BOARD OF ASSESSMENT APPEALS

Sondra W. Mercer

Sondra W. Mercer

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

