

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**
1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 71057

Petitioner:

SANDRA ZWEMKE AND JOHN HEBERLING,

v.

Respondent:

LARIMER COUNTY BOARD OF EQUALIZATION.

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on May 21, 2018, Cherice Kjosness and MaryKay Kelley presiding. Sandra Zwemke appeared pro se on behalf of Petitioners. Respondent was represented by David Ayraud, Esq. Petitioners are protesting the 2017 actual value of the subject property.

Subject property is described as follows:

**720 Cheyenne Drive, Fort Collins, Colorado
Larimer County Schedule No. R0106780**

The subject is a 2,038 square-foot ranch with an attached garage. It was built in 1960 on a 0.27-acre site in the Indian Hills Subdivision.

Respondent assigned a value of \$424,100 for tax year 2017. Petitioners are requesting a value of \$254,750.

Ms. Zwemke testified that her parents purchased the subject property in 1980. It remained as originally constructed without update or remodel with the exception of roof and overhead garage door replacement and a new front screen door. She argued that Respondent failed to recognize the subject's dated interior in comparison with comparable sales.

Ms. Zwemke presented four comparable sales located within the subject subdivision. Based on sale price per square foot, she concluded to a value of \$254,057.

Ms. Zwemke discussed Respondent's analysis. She commented on the percentage increase in value from the prior tax year and argued that the adjustments in Respondent's market analysis were not explained.

Respondent's witness, Jeremy W. Jersvig, Ad Valorem Appraiser for the Larimer County Assessor's Office, made no interior inspection of the subject. He presented a Sales Comparison Analysis with three comparable sales located within the Indian Hill Subdivision. All were ranches of similar construction. Adjustments were made for market conditions (value increase), size, and age. Sale Three was also adjusted for its traffic location. Mr. Jersvig concluded to a median value of \$429,333, which supports the assigned value of \$424,100.

Mr. Jersvig discussed Petitioners' comparable sales and methodology. One of the sales was a two-story home, which is not comparable to the subject's ranch elevation. Calculations were improperly made to total finished square footage, not to prime living space, which is the acceptable valuation methodology. Valuation based on price per square foot is not acceptable in the appraisal industry, because it does not evaluate market reaction. Market adjustments for value increase were not applied.

Mr. Jersvig made no adjustments for the subject's 1960 original interior, stating that, in his opinion, the only factors affecting value are location, style, year built, and square footage.

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

Per Section 39-1-103(5)(a), C.R.S., "The actual value of residential real property shall be determined solely by consideration of the market approach to appraisal." Petitioners' price-per-square-foot methodology does not meet statute nor is it acceptable appraisal methodology in valuing residential property.

Section 39-1-103(8)(a)(I), C.R.S. indicates: "Use of the market approach shall require a representative body of sales, including sales of a lender or government, 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 mass appraisal.

The Board finds Respondent's witness remiss in not considering all similarities and dissimilarities between the subject and comparable sales. The Board disagrees with the witness that only location, style, age and size affect value. Many other features can affect marketability and value, such as porches/patios/decks, landscaping, updating/remodeling, windows, fireplaces, air conditioning, and so forth. Petitioners cited the subject's 1960 dated interior. Respondent's witness testified he did not consider interior updating/remodeling a factor in marketability or value. The Board finds that ignoring the many features within a property is dereliction of duty and has little reliance on Respondent's market approach. However, because Petitioners provided no testimony or evidence contradictory, adjustments to Respondent's comparable sales cannot be made.

Respondent's witness failed to provide support for market change adjustments (value increase) despite Petitioners' and the Board's requests for explanation. Although an Assessor's analyst researched and calculated the adjustments, the witness should have prepared a basic explanation of them. Failure to do so impacts the Board's reliance on the report. However, Petitioners provided no contradictory data, and the Board is unable to make any adjustments for value change in the marketplace.

While the Board finds Respondent's appraisal lacking, Petitioners presented little testimony or evidence to contradict it.

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 6th day of June, 2018.

BOARD OF ASSESSMENT APPEALS

Cherice Kjosness

Cherice Kjosness

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

