

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>YUN CHAU CHUI,</p> <p>v.</p> <p>Respondent:</p> <p>DENVER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 71904</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on July 24, 2018, Diane M. DeVries and Louesa Maricle presiding. Petitioner appeared pro se. Respondent was represented by Nathan Lucero, Esq. Petitioner is protesting the 2017 actual value of the subject property.

The parties agreed to the admission of Petitioner’s Exhibit 1 and Respondent’s Exhibit A.

Subject property is described as follows:

**135 S. Decatur Street, Denver, Colorado
Denver County Parcel No. 05085-21-018-000**

The subject property consists of a 1-story single family residence built in 1941 on a 6,250 square foot lot. The residence is 809 square feet in size and has two bedrooms and one bathroom. The property also has a one-car detached garage.

Petitioner is requesting an actual value of \$140,000 for the subject property for tax year 2017. Respondent assigned a value of \$182,500 for the subject property for tax year 2017.

Petitioner testified the property was in poor condition on January 1, 2017, which is not reflected in Respondent’s value. Petitioner testified he uses the subject residence as a rental property and at the time, it had garage roof leaks, holes knocked into the interior walls, the flooring was damaged, bathroom plumbing needed to be replaced, and multiple windows had been shot out. He made repairs to the improvements in 2017, but they had not been done on the January 1 assessment

date. Petitioner claims Respondent's opinion of condition was based on a later inspection when the damage repairs were nearly finished.

Petitioner orally presented five comparable sales ranging in price from \$82,000 to \$119,000 and in size from 718 to 911 square feet. Photographs of the sales were not provided. Petitioner did not make market adjustments to the sales. Petitioner further claimed the 2017 assigned value for the subject property represents an increase of more than 80% over the prior assessment period and he had not been given any evidence to support such a large increase in any area in Denver.

Petitioner is requesting a 2017 actual value of \$140,000 for the subject property, a value between the sale prices for the five sales he discussed in the hearing and Respondent's assigned value of \$182,500.

Respondent presented a value of \$212,000 for the subject property based on the market approach.

Respondent presented Ms. Adela Lopez as witness. Ms. Lopez is employed by the Denver Assessor's office and is a Licensed Ad Valorem appraiser in the State of Colorado. The witness presented three comparable sales ranging in price from \$205,000 to \$235,000 and in size from 683 to 927 square feet. The witness testified the market adjustments were based on the mass appraisal model factors, but her appraisal report was not just a restatement of the mass appraisal value. After adjustments were made, the sales indicated values ranging from \$205,700 to \$219,000. The witness concluded to a value for the subject property of \$212,000.

Ms. Lopez testified she asked Petitioner if he had photographs of the property showing the condition, but he did not provide any. The witness testified she did not personally inspect the subject property or the sale comparables used in Respondent's Exhibit A. The witness testified the assigned value of \$182,500 included a 5% deduction for condition of the improvements but she did not apply that deduction in her appraisal.

Respondent presented Mr. Devin Patterson as witness. Mr. Patterson is a licensed real property appraiser in the State of Colorado and is employed by the Denver Assessor's office. The witness did not prepare Respondent's appraisal but testified he inspected the subject property in September 2017 and he took the photographs included in Respondent's Exhibit A. At the time of the inspection, Petitioner showed the witness cell phone photos to support his claim the condition on January 1, 2017 was worse than in September 2017, but the witness testified he was unable to see much detail and clearer photographs were not sent to him. The witness observed that Petitioner was actively working on improvements to the interior of the residence at the time of his inspection. In particular, the flooring was being replaced or repaired. The witness observed some other physical wear that he considered normal maintenance, and that an individual was doing work in the bathroom, but the witness did not go in, so could not say what work was being done. The witness testified the interior paint was in good condition and was probably recent. The witness did not find 2017 building permits for work at the subject and Petitioner did not provide repair receipts at the time of inspection. The witness concluded the condition of the improvements as of the assessment date was average.

Respondent assigned an actual value for the subject property of \$182,500 for tax year 2017 and requested the Board affirm that value.

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

“The actual value of residential real property shall be determined solely by consideration of the market approach to appraisal. A gross rent multiplier may be considered as a unit of comparison within the market approach to appraisal.” Section 39-1-103, C.R.S.

“Direct sales comparisons, with sales adjustments determined from market analysis, will be made.” *Assessor’s Reference Library* Volume 3.

The Board finds Petitioner did not provide sufficient information or market adjustment analysis to persuade the Board that the values indicated by his five sales supported the value requested for the subject property. Petitioner testified he did not know the condition of the five properties when they sold or if any were foreclosure or otherwise distressed sales. The Board concludes that no weight can be given to Petitioner’s sales.

The Board finds Respondent’s witness, Ms. Lopez, was not able to explain some of the specific market adjustments made to Respondent’s sales. The witness did not provide sufficient explanation or support for not adjusting Sale 1 downward for having three bedrooms compared to two bedrooms at the subject. The witness did not inspect the subject property or personally look at the comparable sales she used. The Board finds the witness relied on photographs taken by Mr. Patterson approximately 9 months after the assessment date to determine the condition rating used but did not consider the photographic evidence that repairs were being made at that time. Ms. Lopez was unable to answer Board questions about the market adjustment differences for average condition versus poor condition. The Board concludes the witness did not have sufficient information to persuade the Board her testimony and valuation analysis are credible.

The Board finds Petitioner’s testimony credible that the property was in worse condition as of the assessment date than is portrayed in Respondent’s appraisal photographs. However, Petitioner failed to provide sufficient evidence of repair costs to support a reduction in the assigned value.

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).

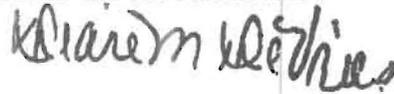
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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 30th day of August, 2018.

BOARD OF ASSESSMENT APPEALS

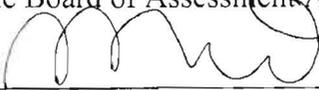


Diane M. DeVries



Louesa Maricle

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



Milla Lishchuk

