

<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.: 71906</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:

1335 W. Alaska Place, Denver, Colorado
Denver County Parcel No. 05161-06-019-000

The subject property consists of a 1-story single family residence on a 6,250 square foot lot. The improvements had an actual age of 66 years as of the 2017 assessment. The residence is 685 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 \$179,600 for that tax year.

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. As of the assessment date, the roof needed to be replaced and subsequent to January 1, 2017, his insurance company declined to renew coverage because it had not been replaced. Also, the kitchen flooring had broken tiles, and the bathroom plumbing system needed to be repaired.

Petitioner orally presented five comparable sales ranging in price from \$75,000 to \$116,000 and in size from 669 to 1,771 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 60% 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 the CBOE value of \$179,600.

Respondent presented a value of \$200,000 for the subject property based on the market approach.

Respondent presented Mr. David Tancredi as witness. The witness is employed by the Denver Assessor's office and is a Certified Residential Appraiser in the State of Colorado. The witness testified he inspected the subject property on July 1, 2017, and concluded the improvements were in average condition. The witness presented three comparable sales ranging in price from \$149,900 to \$200,000 and in size from 610 to 702 square feet. After adjustments were made, the sales indicated values ranging from \$194,200 to \$210,600. The witness concluded to a value for the subject property of \$200,000.

The witness testified that two of Petitioner's sales were not comparable to the improved subject property because they were vacant lots at the time of sale, and another of his sales was disqualified by the assessor's office because it was between related parties.

Respondent requested the Board affirm the CBOE value for the subject property of \$179,600 for tax year 2017.

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. The Board concludes that no weight can be given to Petitioner's sales.

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

Diane M. DeVries

Louesa Maricle

Louesa Maricle

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

Milla Lishchuk

Milla Lishchuk