

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>ANDREA A. MENEGHEL, ETAL,</p> <p>v.</p> <p>Respondent:</p> <p>BOULDER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 73683</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on August 1, 2018, Louesa Maricle and Cherice Kjosness presiding. Petitioner appeared pro se. Respondent was represented by Michael A. Koertje, Esq. Petitioner is protesting the 2017 actual value of the subject property.

Subject property is described as follows:

**2875 Kenyon Circle, Boulder, CO 80305
Boulder County Schedule No. R0010823**

The subject property consists of a split level style single family residence in the Table Mesa subdivision, built in 1966 which was remodeled in 2010 yielding an effective year built of 1990. It has 1,804 square feet of finished area above grade with a 480 square foot finished basement.

Petitioner is requesting an actual value of \$648,000 for the subject property for tax year 2017. Respondent assigned a value of \$739,300 for the subject property for tax year 2017.

Petitioner presented three comparable sales of properties on the same street as the subject, one of which is the same model home as the subject. He testified that these homes sold for \$625,000 to \$669,000 but did not have the actual sales dates, or any time adjusted sale prices. Petitioner testified that the market is inconsistent in this area with a wide range of sale prices. He also believes that view is a significant value factor and the sales used by Respondent have superior views. In answer to a question from the Board, Petitioner testified that the remodel in 2010 brought up the condition of the home, but the materials were of average quality. There is a new water heater, but

the furnace is 20 years old. The roof was replaced shortly before he purchased the property in November of 2013.

Petitioner is requesting a 2017 actual value of \$648,000 for the subject property recognizing that the sales he used to establish that value were not adjusted for time.

Respondent's witness, David A. Martinez, presented a value of \$759,000 for the subject property based on the market approach.

Respondent presented five comparable sales ranging in sale price from \$589,000 to \$790,000 and in size from 1,660 to 1,810 square feet. The first three were from the 18 month base period. The last two were from the extended period. After adjustments were made, the sales ranged from \$725,441 to \$792,308.

Mr. Martinez's appraisal uses all bi-level style homes while the subject is a tri-level. Comparable 1 is one of the sales on the same street as the subject: 2886 Kenyon Circle. This home sold for \$669,000 but was time adjusted to \$696,100. The public record did not indicate any updating so the effective year is listed the same as the actual year built. It is also slightly smaller than the subject. The indicated value by this comparable is \$725,441. Regarding the views from the comparable sales, Mr. Martinez testified that the Table Mesa subdivision is located very close to the foothills and most homes have some views depending on the orientation of the improvements. He did not make any adjustments for differences in view. Mr. Martinez did not say why he did not use the other sales on Kenyon Circle.

Respondent assigned an actual value of \$739,300 to the subject property 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 Board agrees with Petitioner that sales on the same street as the subject and the sale of the same model as the subject would seem to be the best comparables. Respondent's witness used only one of those sales without explanation why the remaining sales were not considered in Respondent's analysis. However, Petitioner did not provide sufficient data for the Board to consider the comparability of the other two sales. An actual sale date is needed to adjust the sale prices of the comparables for time as required by statute. Petitioner did not present sufficient probative evidence to convince the Board that a reduction to Respondent's assigned value is warranted.

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.

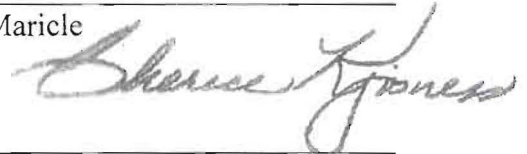
Section 39-8-108(2), C.R.S.

DATED and MAILED this 31st day of August, 2018.

BOARD OF ASSESSMENT APPEALS

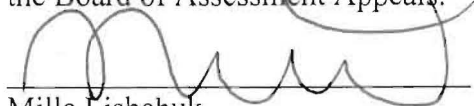


Louesa Maricle



Cherice Kjosness

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



Milla Lishchuk