

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>PATRICIO NAVA,</p> <p>v.</p> <p>Respondent:</p> <p>LARIMER COUNTY BOARD OF EQUALIZATION.</p>	<p>▲</p>
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Patricio Nava Address: 1088 East Fifth Street Loveland, CO 80537 Phone Number: (970) 667-2970 E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 38053</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on November 6, 2001, Karen E. Hart and Judee Nuechter presiding. Petitioner appeared pro se. Respondent was represented by Linda Connors, Esq.

PROPERTY DESCRIPTION:

Subject properties are described as follows:

**LOTS 2 & 3 BLK 2 MILES SUB; LOTS 3-5 BLK 1 RILEY BELL
(Larimer County Schedule Nos. R0789640, R0390470, R0789658)**

Petitioner is protesting the 2001 actual value of the subject properties, a fourplex located at 1052-56 East Fifth Street, a single family residence located at 1088 East Fifth Street, and a duplex at 1102-1106 East Fifth Street, all located in Loveland, Colorado.

ISSUES:

Petitioner:

Petitioner is asking the Board to lower the valuations of three properties as described, as they are too high and Petitioner could not sell any of the above properties for those values. Petitioner is protesting the increase in value of all three properties and that the tax increases would be too high.

Respondent:

Respondent contends that the assigned value of the subject properties are supported by properly adjusted sales of similar properties similarly situated during the appropriate base period. Respondent contends that the subject properties (three) were correctly valued using the market approach to value.

FINDINGS OF FACT:

1. Mr. Nava, Petitioner, presented the appeal on his own behalf.
2. Petitioner presented an indicated value of \$185,000.00 for the subject property located at 1052-56 East Fifth Street, \$115,000.00 to \$120,000.00 for the property located at 1088 East Fifth Street, and \$135,000.00 for the property located at 1102-1106 East Fifth Street.
3. Petitioner presented no comparable sales.
4. Petitioner discussed the property located at 1052-58 East Fifth Street, Loveland, and indicated the total expenses for last year were \$7,893.84, and that the subject property could not be compared to properties in other neighborhoods due to the mixed neighborhood of the subject. Petitioner indicated the values were higher in years past than today. The subject is a fourplex built in 1986, with 4,360 square feet, no garages, and no repairs since built.
5. The second property is located at 1088 East Fifth Street and is the Nava residence. A \$27,000.00 increase in 1 year is too much per Mr. Nava. This dwelling was built in the same mixed-use neighborhood as the fourplex currently discussed. It is a ranch style built in 1994, with 1,232 square feet and a 552 square foot garage. Mr. Nava felt he could not sell the property at the county's valued price in that neighborhood. The property value should be \$115,000.00 to \$120,000.00, not \$147,000.00. Mr. Nava acknowledged the Respondent's Sale 1 was located across the street and he felt it was inferior to his property due to its age.

6. The third property is located at 1102-1106 East Fifth Street, and is a duplex located next door to his personal residence. This property is a ranch design, built in 1994, with no basement and no garage. The Petitioner believes this property should be valued at \$135,000.00. The Petitioner feels that the market approach should not be considered in the valuation of the rental properties, but the income and expenses are more relevant to the value. Mr. Nava indicated he built all 3 properties, and that the rental properties were built in average quality.

7. Petitioner is requesting a 2001 actual value of \$261,000.00 for the subject property located at 1052-1056 East Fifth Street, \$147,000.00 actual value for the property located at 1088 East Fifth Street, and \$161,312.00 for the property at 1102-1106 East Fifth Street, all located in Loveland, Colorado.

8. Respondent's witness, Ms. Amy Wagner, a Certified General Appraiser with the Larimer County Assessor's Office, presented an indicated value of \$261,000.00 for the subject property located at 1052-1056 East Fifth Street, based on the market approach.

9. Respondent's witness presented 3 comparable sales ranging in sales price from \$239,000.00 to \$275,000.00 and in size from 3,520 to 4,220 square feet. After adjustments were made, the sales ranged from \$253,699.00 to \$278,600.00.

10. Respondent's witness testified that she was familiar with the property and had inspected only the exterior. A per unit adjustment, and not a gross living area (GLA) adjustment was used with \$65,500.00 per unit for the subject property indicated. A gross rent multiplier (GRM) was used in the reports as a check and not as an approach. The location of the subject property is located near a large multi-family (50 unit), single family residential dwellings, and duplexes with a combination of newer and older dwellings. Sale 1 was described as being near other commercial properties including a factory. Sale 2 is in a rental area with no single family residential dwellings. Sale 3 is a similar rental unit neighborhood with condos and townhomes. The higher rents shown on page 12 of Exhibit 1 were for 2-bedroom units; whereas, the subject units are 3 bedroom, which typically indicates lower rents.

11. Respondent's witness, Ms. Jody Masters, a Licensed Appraiser with the Larimer County Assessor's Office, presented an indicated value of \$147,000.00 for the property at 1088 East Fifth Street, the Petitioner's residence.

12. Respondent's witness presented 5 comparable sales ranging in sales price from \$118,000.00 to \$126,300.00 and in size from 1,008 to 1,176 square feet. After adjustments were made, the sales ranged from \$144,731.00 to \$172,580.00.

13. Respondent's witness testified she had inspected the property and this dwelling was built in 1994, with 1,232 square feet, a two-car garage and no basement. It was in an older part of town and newer than most other dwellings in the neighborhood, which indicated it could be overbuilt for the neighborhood. The property was valued by the market approach. Sale 1 was across the street from the subject property and it was an older dwelling built in 1903. Sales 4 and 5 were newer dwellings located about 1 mile east of the subject. The witness acknowledged that there were few sales within the subject's neighborhood of similar age as the subject.

14. Respondent's witness, Ms. Shirley Lindsay, a Licensed Appraiser with the Larimer County Assessor's Office, presented an indicated value of \$161,312.00 for the property at 1002-1006 E. Fifth Street, a duplex.

15. Respondent's witness presented 4 comparable sales ranging in sales price from \$110,000.00 to \$145,300.00 and in size from 1,148 to 1,784 square feet. After adjustments were made, the sales ranged from \$153,347.00 to \$180,685.00.

16. The subject property is a duplex built in 1994 with no basement and no garage. The subject is larger than the other sales. The market approach was used to compare the sales. The subject is indicated at \$80.00 a square foot, while the other sales range is \$86.00 to \$139.20 a square foot. The witness testified that the sale date shown in Respondent's Exhibit 3 for the subject and Comparable Sale 1 were incorrect, but the corrected dates were considered in the report as shown in Exhibit 3. The witness also testified that the dates did not affect the concluded value as it was a computer error. There were no sales with similar gross living area, without basements or garages. Therefore, the witness testified that she had to use sales of smaller size that had basements and garages. She made the appropriate adjustments for these sales.

17. Respondent assigned an actual value of \$261,000.00 for the property located at 1052-1056 East Fifth Street, \$147,000.00 for the property located at 1088 East Fifth Street, and \$161,312.00 for the property located at 1102-1106 East Fifth Street.

CONCLUSIONS:

1. Respondent presented sufficient probative evidence and testimony to prove that the subject properties were correctly valued for tax year 2001.

2. The Respondent provided an appraisal report for each of the 3 properties that was documented and reasonably adjusted for the market approach to value. The property at 1052-1056 East Fifth Street, a fourplex, was indicated at \$65,500.00 per unit, which is within the range of the 3 comparables presented. The final adjusted price of the single family residence located at 1088 East Fifth Street is the lower range of the adjusted values as indicated in the appraisal report, and is similar to Sale 1; although this sale was acknowledged by the Petitioner as being inferior to the subject. The third property, located at 1102-1106 East Fifth Street, a duplex, was valued at \$80.00 a square foot, which is considerably below the adjusted price per square foot of the 4 comparable properties.

3. The Petitioner presented no comparable sales for any of the 3 properties in order to support the values he indicated for those properties, but instead was relying on the income and expenses of the rental properties. Petitioner's properties are residential in nature and can only be valued by the market approach per Colorado Revised Statutes.

4. After careful consideration of all the testimony and evidence presented, the Board was most persuaded by the Respondent's witnesses.

ORDER:

The petition is denied.

APPEAL:

Petitioner may petition the Court of Appeals for judicial review within 45 days from the date of this decision.

If Respondent alleges procedural errors or errors of law by this Board, Respondent may petition the Court of Appeals for judicial review within 30 days from the date of this decision.

DATED and MAILED this 10th day of November, 2001.

BOARD OF ASSESSMENT APPEALS

Karen E Hart

Karen E. Hart

Judee Nuechter

Judee Nuechter

This decision was put on the record

NOV 09 2001

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

Diane Von Dollen

Diane Von Dollen

