

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>ALBERT L. SACCOMANO,</p> <p>v.</p> <p>Respondent:</p> <p>ADAMS COUNTY BOARD OF EQUALIZATION.</p>	<p>▲</p>
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Albert L. Saccomano Address: 7451 North Washington Street Denver, CO 80229 Phone Number: (303) 288-8025 E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 38456</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on December 20, 2001, Debra A. Baumbach and Karen E. Hart presiding. Petitioner appeared pro se. Respondent was represented by Michelle L. Bennett, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**CORONADO SUDB 2ND BLK 25 LOT 1
(Adams County Schedule No. R0057151)**

Petitioner is protesting the 2001 actual value of the subject property, a frame/masonry veneer, split-level dwelling constructed in 1963, consisting of 1,053 square feet with a fully finished basement area and a single-car garage, located at 887 Clarkson Court in Denver, Colorado.

ISSUES:

Petitioner:

Petitioner contends that he located better comparables than Respondent. He does not believe that Respondent's comparables were adjusted properly for physical differences.

Respondent:

Respondent contends that the subject property was correctly valued using sales of similar properties similarly situated, which occurred during the appropriate base year. Petitioner's comparables support the assigned value.

FINDINGS OF FACT:

1. Mr. Albert L. Saccomano, Petitioner, presented the appeal on his own behalf.
2. Based on the market approach, Petitioner presented an indicated value of \$115,000.00 for the subject property.
3. Petitioner presented three comparable sales ranging in sales price from \$103,721.00 to \$131,375.00 and in size from 936 to 1,210 square feet. After adjustments were made, the sales ranged from \$119,440.00 to \$124,880.00. Petitioner presented three additional comparable sales that were not adjusted.
4. Mr. Saccomano testified regarding his comparable sales and the adjustments he used. His adjustments were calculating using the adjustment factors provided by the assessor at the County Board of Equalization hearing. Comparable #2 is most similar to his house and required no adjustments.
5. Mr. Saccomano testified regarding his Exhibit D, which are assessment comparables with different land sizes. He does not believe his property is valued correctly in comparison to those properties, as the land sizes are larger than his, as well as other differences in physical characteristics.
6. In cross-examination, Mr. Saccomano clarified that the comparables in Exhibit D are not sale comparables, but are assessment information data gathered from Adams County records.
7. Petitioner is requesting a 2001 actual value of \$115,000.00 for the subject property.
8. Respondent's witness, Mr. Dominic P. Mailo, a Registered Appraiser with the Adams County Assessor's Office, presented an indicated value of \$131,640.00 for the subject property based on the market approach.

9. Respondent's witness presented three comparable sales ranging in sales price from \$125,000.00 to \$127,300.00 and in size from 1,053 to 1,210 square feet. After adjustments were made, the sales ranged from \$129,052.00 to \$137,575.00.

10. Mr. Mailo testified that he located several sales within a limited distance to the subject property. The sales were adjusted for time, number of baths, traffic flow, condition, living area, basement, basement finish, garage size, porches, and fireplaces. Comparable 1 was most similar to the subject property, requiring adjustments for time and number of baths only.

11. Mr. Mailo testified that he was familiar with Petitioner's sales, and that Respondent's Comparable #3 was also Petitioner's Comparable #3. Petitioner's sales were not adjusted for being in inferior condition. The subject property has brick trim and Petitioner's Comparable #1 has no brick. Mr. Mailo adjusted the sale 5% for condition, 5% for lack of brick trim, and arrived at an adjusted value of \$129,812.00. Comparable #2 required a 5% adjustment for condition, calculating to an adjusted sales price of \$131,124.00. Comparable #3, which is the common sale, was adjusted 10% for condition to total \$135,328.00. Comparable #2 is the best comparable and supports Mr. Mailo's value. All of Petitioner's original sales prices are assessor time adjusted sales prices.

12. Upon questioning from the Board, Mr. Mailo clarified that the adjustments he made to Petitioner's sales were based on Petitioner's adjustment scheme, not his, which is why Comparable #3 arrived at a different value than listed in Mr. Mailo's adjustment grid.

13. Respondent assigned an actual value of \$131,640.00 to the subject property for tax year 2001.

CONCLUSIONS:

1. Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2001. Respondent presented three properly adjusted sales that well support the assigned value.

2. Petitioner presented adjusted comparable sales, one of which was also used by Respondent. The Board also reviewed Petitioner's unadjusted sales list. The Board was convinced by Respondent's witness testimony that Petitioner's sales required additional adjustments.

3. The Board placed the most weight on Respondent's Sale #1 and Petitioner's Sale #2, which were the same model as the subject property and required minimal adjustments. The adjusted sales prices for these two sales were \$134,994.00 and \$131,124.00, respectively. These sales well support the assigned value.

4. After careful consideration of all the presented testimony and evidence, the Board concluded that the subject property was correctly valued and affirms Respondent's assigned value of \$131,640.00.

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 18th day of January, 2002.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach
Debra A. Baumbach

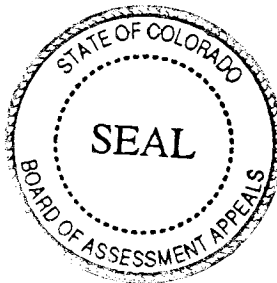
Karen E. Hart
Karen E. Hart

This decision was put on the record

JAN 18 2002

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



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