

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>RICHARD F. SMITH,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	▲
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Richard F. Smith Address: 4658 South Adobe Lane Littleton, Colorado 80127 Phone Number: (720) 981-0201 E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 39721</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on March 29, 2002, Karen E. Hart and Debra A. Baumbach presiding. Petitioner appeared pro se via telephone conference. Respondent was represented by Martin McKinney, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**LOT 25 BLK 2 VILLAGE AT GREEN MOUNTAIN FLG 48
(Jefferson County Schedule No. 414536)**

Petitioner is protesting the 2001 actual value of the subject property, a two-story home built in 1994. The home is comprised of three bedrooms and two and one-half baths. There is a fireplace, and an attached oversized two-car garage. The home is constructed of frame with brick veneer and wood siding.

ISSUES:

Petitioner:

Petitioner contends that the subject property has been overvalued. The time trending adjustments made by the Respondent include other areas in the study, which is not representative of the subject's market area.

Respondent:

Respondent contends that the subject property has been correctly valued using the market comparison approach. All of the adjustments made to the sales are supportable and reflect market trends in the area.

FINDINGS OF FACT:

1. Mr. Richard Smith, Petitioner, presented the appeal on his own behalf via telephone conference.

2. Based on the market approach, Petitioner presented an indicated value of \$268,400.00 for the subject property.

3. Petitioner presented six comparable sales ranging in sales price from \$233,000.00 to \$279,900.00 and in size from 2,095 to 2,455 square feet. After adjustments were made, the sales ranged from \$247,700.00 to \$277,000.00.

4. Mr. Smith testified that the time trending studies utilized by the Respondent are not representative of the subject's subdivision. Sales from other areas were included in the regression analysis, and many of the homes reflect higher values and appreciation. The adjustment figures used reflect a higher degree of appreciation, therefore, reflecting higher time trends in the subject's subdivision.

5. Mr. Smith testified that the sales he used are all from the subject's subdivision, and the time adjustment he calculated was derived from the sales used in this specific area. The degree of appreciation estimated during a 3-month period was estimated to be 0.58% per month, and during a 17-month period 0.53%. These adjustments were applied to the sales, and the indicated value by the market approach was \$268,400.00.

6. Under cross-examination, Mr. Smith testified that the comparable sales used by the Respondent do not include any of the same models as the subject. He does not dispute any of the adjustments in differences in characteristics other than the time adjustment calculation.

7. Petitioner is requesting a 2001 actual value of \$268,400.00.00 for the subject property.

8. Respondent's witness, Mr. Chuck Ewing, a Certified General Appraiser with the Jefferson County Assessor's Office, presented an indicated value of \$291,500.00 for the subject property based on the market approach.

9. Respondent's witness presented three comparable sales ranging in sales price from \$270,000.00 to \$279,900.00 and in size from 2,095 to 2,177 square feet. After adjustments were made, the sales ranged from \$282,400.00 to \$298,600.00.

10. Mr. Ewing testified that he drove by the subject, as well as the comparable sales. The subject is a frame-sided structure with brick veneer. There is an oversized two-car garage, fireplace, and porch. The subject is comprised of three bedrooms and two and one-half bathrooms. The three comparable sales are located within the subject's subdivision and considered to be similar to the subject.

11. Mr. Ewing testified that the time adjustment to the June 30, 2000 date of appraisal was based on a rate of 1.20% appreciation per month. This figure was derived from a sales ratio trend analysis within the county. The adjustment rate for the differences in gross living area of 50 square feet or more was based on \$40.00 per square foot. Basement area differences of 50 square feet or more were based on \$12.00 per square feet, and basement finish was based on a rate of \$9.00 per square foot. All of the adjustments made were reflective of the market and considered to be reasonable.

12. Respondent's witness Ms. Susan Sterrett, Mass Appraisal Analyst with the Jefferson County Assessor's Office, testified that she is responsible for compiling the data in determining the ratios for the time trending adjustments. The market area is divided into economic areas and then broken down into regions. Sales ratio, resales, and regression analyses are relied upon. There are not enough sales to be able to determine a neighborhood time adjustment versus an adjustment from an economic area. The sales ratio approach is most relied upon in determining the time adjustment.

13. Ms. Sterrett testified that she was not sure if the Petitioner used sales up to the end of the base period, and if there were enough sales in the subject's subdivision to be able to establish any type of trend.

14. Under cross-examination, Ms. Sterrett testified that you need at least 5% to 10% of the population in a subdivision to determine a statistical time trend.

15. Respondent assigned an actual value of \$290,500.00 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.

2. The Board has carefully considered all admitted evidence and testimony and has affirmed the Respondent's value. The Respondent presented three comparable sales supporting the assigned value conclusion. The adjustments made to the sales for any differences in characteristics are reasonable. The sales presented are within the subject's subdivision and reflect trends in the area.

3. The Board could give little weight to the time trending methodology used by the Petitioner, as there was a limited number of sales included in the analysis to establish a supportable market trend. The Board agrees with the Petitioner that sales within the subject's subdivision may be more desirable in establishing market trends within that specific area. However, there must be an appropriate number of sales during the base period within that specific area to be able to determine any type of market appreciation, market trends, and how it relates specifically to the subject.

4. The Respondent's assigned value takes into consideration all the factors affecting the overall valuation. The assigned value is well documented, supported, and is affirmed based on all the evidence and testimony presented.

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 30th day of April, 2002.

BOARD OF ASSESSMENT APPEALS

Karen E Hart
Karen E. Hart

Debra A. Baumbach
Debra A. Baumbach

This decision was put on the record

APR 30 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

