

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>ORVILLE W. GEISLER,</p> <p>v.</p> <p>Respondent:</p> <p>DENVER COUNTY BOARD OF EQUALIZATION.</p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Orville W. Geisler Address: 241 South Leyden Street Denver, CO 80224-1046 Phone Number: (303) 333-2703 E-mail: Attorney Reg. No.:</p>	<p>Docket Number: 39737</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on February 7, 2002, J. Russell Shaw and Karen E. Hart presiding. Petitioner appeared pro se. Respondent was represented by Alice J. Major, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**B11 L42 & 43 & N 8 FT OF L41 & S 3 FT OF L44 EASTERN
CAPITOL HILL 3RD FLG
(Denver County Schedule No. 06083-24-025-000)**

Petitioner is protesting the 2001 actual value of the subject property, a single-family residential property built in 1971 of brick and stucco construction, consisting of 1,410 square feet with a walk-out basement and an attached two-car garage.

ISSUES:

Petitioner:

Petitioner contends that the subject property is 31 years old and is located in Crestmoor. He believes his comparable sales are better than Respondents, and that a price per square foot is an important value measure. His assessed value increased at a larger rate than neighboring properties.

Respondent:

Respondent contends that the subject property was correctly valued using sales of similar properties similarly situated occurring during the appropriate base period.

FINDINGS OF FACT:

1. Mr. Orville W. Geisler, Petitioner, presented the appeal on his own behalf.
2. Based on the market approach, Petitioner presented an indicated value of \$193,170.00 for the subject property.
3. Petitioner presented three comparable sales ranging in sales price from \$204,500.00 to \$255,376.00 and in size from 1,499 to 1,876 square feet. No adjustments were made to the sales.
4. Mr. Geisler testified that his comparable sales are all located about two blocks from his property. He calculated a price per square foot and applied it to his property to arrive at his requested value.
5. Regarding Respondent's Exhibit 2, Mr. Geisler testified that Comparable Sales #1 and #3 have no garages, only carports. The subject property has a double garage. Therefore, he does not believe these sales are comparable to the subject. He pointed out that both he and Respondent used the property at 255 S. Jasmine Street as a comparable sale.
6. Mr. Geisler testified that his value increase was \$85,100.00. He testified regarding several houses on his street that are very similar to his property but had lesser value increases. He believes he has been discriminated against.
7. Petitioner is requesting a 2001 actual value of \$193,170.00 for the subject property.
8. Respondent's witness, Mr. Paul D. Langerak, an Appraiser with the Denver County Assessor's Office, presented an indicated value of \$275,000.00 for the subject property based on the market approach.

9. Respondent's witness presented five comparable sales ranging in sales price from \$204,500.00 to \$317,500.00 and in size from 1,317 to 1,712 square feet. After adjustments were made, the sales ranged from \$272,833.00 to \$277,126.00.

10. Mr. Langerak testified that the subject property has a walk-out basement, which is rare for the area. He feels this is a positive amenity, but he did not make an adjustment for this due to a lack of comparable property sales from which to determine a market adjustment. The subject property interior is slightly dated, but the property is in average condition overall.

11. The comparable sales were adjusted for differences in site size, living area, location, basement size and finish, interior updating, storm windows, garages, fireplaces, heating/cooling systems, and fencing. The comparables were adjusted for time at a rate of 0.99587 % per month. All of the comparable sales were in the same neighborhood.

12. The witness testified that he used three sales from the 200 block, as he felt these locations would be similarly impacted by Alameda Avenue. Comparable Sale #1 was similar in condition to the subject, as there were no recent updates. Both Comparable Sales #4 and #5 were adjusted for superior locations and recent interior updating.

13. Regarding Petitioner's sales, Mr. Langerak testified that his Comparable Sale #2 is also used by Petitioner. However, Petitioner did not make adjustments to the sales for physical differences, such as basement size, et cetera. Comparable sales must also be adjusted for time.

14. In cross-examination, Mr. Langerak acknowledged that his Comparable Sales #1 and #3 had carports and did not have garages. However, he testified that his \$3,500.00 upward adjustment for this amenity adequately considered this difference.

15. Respondent assigned an actual value of \$272,100.00 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. Mr. Langerak presented a well organized and well supported appraisal report.

2. Basic appraisal theory requires that comparable sales be adjusted for physical characteristic differences as compared to the subject property. Petitioner made no adjustments to his sales, and there was insufficient information presented for the Board to attempt to make these adjustments on Petitioner's behalf. In addition, Respondent presented sufficient documentation to support the use of a time adjustment, required by Colorado Revised Statutes. Petitioner's sales were not adjusted for time.

3. Petitioner testified that his value increase was not consistent with other properties in the neighborhood; however, this Board must deal with the subject property market value and does not have authority to address equalization issues.

4. After careful consideration of all the presented evidence and testimony, the Board affirms Respondent's assigned value of \$272,100.00.

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 13th day of February, 2002.

BOARD OF ASSESSMENT APPEALS

J. Russell Shaw

J. Russell Shaw

Karen E. Hart

Karen E. Hart

This decision was put on the record

FEB 12 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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