

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>ALAN F. FOX,</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: Alan F. Fox Address: 1200 17th Street, Suite 1700 Denver, Colorado 80202 Phone Number: (303) 534-7600</p>	<p>Docket Number: 41091</p>
<p style="text-align: center;">ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on June 30, 2003, Karen E. Hart and Debra A. Baumbach presiding. Petitioner appeared pro se. Respondent was represented by Mr. Martin McKinney, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**15100 West Belleview Avenue
(Jefferson County Schedule No. 201579)**

Petitioner is protesting the 2002 actual value of the subject property, a single-family home located on a 39.830-acre parcel in the Willowbrook Subdivision. The subject improvements include a wood-sided, two-story home built in 1971. The total living area consists of 5,210 square feet with

a partial unfinished basement area of 1,720 square feet. The subject property has a fireplace, a swimming pool, a covered entry porch and an attached garage consisting of 1,366 square feet.

ISSUES:

Petitioner:

Petitioner contends that the subject has been overvalued. The comparable sales used by the Respondent are located in a different economic area than the subject property. The Respondent has not considered all the factors affecting the overall valuation.

Respondent:

Respondent contends that the comparable sales used by the Respondent well support the value. The Respondent made adjustments for all the differences affecting the overall valuation of the subject property.

FINDINGS OF FACT:

1. Mr. Alan F. Fox, Petitioner, presented the appeal on his own behalf.
2. Based on the market approach, Petitioner presented an indicated value of \$747,500.00 for the subject property.
3. Petitioner did not present any comparable sales for consideration. He did present Assessor's records on several properties.
4. Mr. Fox testified that the subject is located west of Denver in the foothills. The subject, built approximately 30 years ago, is a wood-sided home with a flat roof consisting of tar and rock. The land area consists of 40 acres and has a well and leach field. There are two drainage fields situated on the property. Additional garage space and a converted family room were constructed approximately 5 years ago.
5. Mr. Fox testified that part of the subject property is located in a flood plain and that the zoning of his property allows one home per 10 acres. The subject has no views and the overall topography is difficult terrain.
6. Mr. Fox testified that the comparable sales used by the Respondent are located within a different economic area and do not reflect the subject property. All the sales used by the Respondent are superior to the subject. The subject is located outside the Jefferson County growth area.
7. Petitioner is requesting a 2002 actual value of \$747,500.00 for the subject property.

8. Respondent's witness, Mr. Jack N. Blackstock, an appraiser with the Jefferson County Assessor's Office, presented an indicated value of \$1,200,000.00 for the subject property, based on the market approach.

9. Respondent's witness presented four comparable sales ranging in sales price from \$750,000.00 to \$1,100,000.00, and in size from 3,063 to 5,500 square feet. After adjustments were made, the sales ranged from \$1,074,690.00 to \$1,441,960.00.

10. Mr. Blackstock testified that the subject property is located in the Willowbrook Subdivision. The subject two-story design home is considered to be above-average quality, wood-sided, built-up and metal roofed. The overall gross living area is estimated to be 5,210 square feet over a partial 1,720 square foot unfinished basement. The subject is considered to be in above average condition and has been remodeled. The subject also has a garage and family room addition.

11. Mr. Blackstock testified that the subject property has been inspected several times since 1994. The comparable sales selected are the best sales available and all have been adjusted for differences in physical characteristics. All of the comparable sales are located in Jefferson County, and all are mountain properties. The subject is considered to be in an urban area; however, there were no suitable sales located within the subject's area. The degree of adjustments that would have to be applied would warrant the sales unreliable.

12. Mr. Blackstock testified that the subject has excellent access to C-470, is located in a desirable area and is in close proximity to all conveniences.

13. Respondent assigned an actual value of \$1,028,540.00 to the subject property for tax year 2002.

CONCLUSIONS:

1. Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2002.

2. The Board has carefully considered all admitted evidence and testimony and has affirmed the Respondent's value. The Respondent presented four comparable sales supporting the assigned value conclusion. The adjustments made to the sales are reasonable and take into consideration any differences in physical characteristics.

3. The Petitioner presented no comparable sales for the Board's consideration. The Assessor's records on the properties he did submit were not adjusted for differences in physical characteristics, and some of them were outside the base period. The Board can only consider suitable sales within the base period in support of market trends in the area. The Board agrees

with the Petitioner that the sales presented by the Respondent may not be the best comparable sales. However, when there are no similar sales within the area, it is permissible to expand the market area in an attempt to find similar sales and make the appropriate adjustments for all the differences.

4. The Board can sympathize with the degree of difficulty involved in finding suitable comparable sales for this property. The Board believes that, based on the evidence and testimony presented, the Respondent did address all the factors and made appropriate adjustments to the sales for any differences.

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 6th day of August, 2003.

BOARD OF ASSESSMENT APPEALS

Karen E Hart

Karen E. Hart

Debra A. Baumbach

Debra A. Baumbach

This decision was put on the record

AUG 05 2003

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

Penny S. Lowenthal
Penny S. Lowenthal

