

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>ROBERT S. PROKOP,</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: Robert G. Prokop Address: 6355 Carr Street Arvada, Colorado 80004-3451 Phone Number: (303) 421-4033</p>	<p>Docket Number: 41108</p>
<p style="text-align: center;">ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on September 9, 2003, Karen E. Hart and Judee Nuechter presiding. Petitioner was represented by Robert G. Prokop, father and agent of Robert S. Prokop. Respondent was represented by Martin McKinney, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**8430 West 64th Place, Arvada, Colorado
(Jefferson County Schedule No. 429015)**

Petitioner is protesting the 2002 actual value of the subject property, a ranch-style manufactured home of frame construction with 1,842 square feet and a two car detached garage. The subject property is located at 8430 West 64th Place, Arvada, Colorado.

ISSUES:

Petitioner:

Petitioner contends that Respondent has overvalued the subject property.

Respondent:

Respondent contends the subject property has been valued correctly for tax year 2002.

FINDINGS OF FACT:

1. Mr. Robert G. Prokop, Petitioner's father and agent, presented the appeal on behalf of Petitioner.

2. The Petitioner's witness testified that no comparable sales, similar to the subject property and located within his neighborhood, occurred during the base period. The comparable sales used by the Respondent are Type-3 properties, whereas the subject property is a Type-2 dwelling. Respondent made no adjustments for dissimilar property characteristics.

3. Mr. Prokop testified that the time adjustment used by the Respondent included all types of dwellings, and that an area approach was utilized instead of a neighborhood approach. Mr. Prokop believes that Respondent used older sales in order to skew the time adjustments since three of their sales were from 1998, which would increase the value of the subject.

4. Mr. Prokop testified that an age adjustment is not justified in an appraisal report and is contrary to the market approach to valuation.

5. Petitioner testified that, in this valuation, Respondent eliminated a previous \$9,950.00 adjustment for his access problem, although the problem still exists.

6. Petitioner presented three comparable sales ranging in sales price from \$136,000.00 to \$140,000.00, and in size from 1,165 to 1,710 square feet. After adjustments were made, the sales ranged from \$112,150.00 to \$159,350.00. The average indicated market value per the comparable sales was \$130,166.00.

7. Mr. Prokop testified that the Respondent used two comparable sales that had basements. The visual appearance of a manufactured dwelling is long and narrow as compared to the more vertical appearance of Respondent's sales 1 and 2. Mr. Prokop's comparable sales are more horizontal in appearance, and are therefore more similar to the subject. The Respondent's sales do not give the impression of a ranch-style dwelling.

8. During cross-examination, Mr. Prokop testified that there have been no changes to the dwelling since the last valuation.

9. Petitioner is requesting a 2002 actual value of \$130,166.00 for the subject property.
10. Respondent's witness, Mr. Jack Blackstock, a Certified General Appraiser with the Jefferson County Assessor's Office, presented an indicated value of \$175,000.00 for the subject property, based on the market approach.
11. Respondent's witness presented four comparable sales ranging in sales price from \$110,000.00 to \$187,000.00 and in size from 909 to 2,052 square feet. After adjustments were made, the sales ranged from \$171,400.00 to \$205,600.00.
12. Mr. Blackstock testified that the subject is a manufactured dwelling and was placed on site in 1996. There is an access characteristic due to an easement across the adjacent property to the east. There is also a traffic characteristic due to its Carr Street entrance. Due to the flooding history in the neighborhood, a retaining wall was constructed on the front of the property on the north side and prohibits access to the property from West 64th Place.
13. The Respondent's witness testified that the subject property is a Type-2 quality, which is considered fair quality by the assessor's office. Type-3 quality is considered average. The witness does not believe a quality adjustment is warranted since the comparable sales were not considered superior to the subject. Sale 1 does not have a traffic or an access characteristic. Sale 2 has a similar traffic characteristic as the subject. Sale 3 does not have traffic or access characteristics. Sale 4 is within close proximity to retail properties and is considered similar to the subject in location.
14. Respondent's witness testified that an age adjustment for differences of more than five years is appropriate based on his professional opinion. He applied a factor of .0038 multiplied by the number of years difference for the purpose of his appraisal.
15. Mr. Blackstock testified that the time adjustment applied in his report was based on county records and is determined by area and not by neighborhood. A 2001 Board of Assessment Appeals decision for the subject property was discussed. Mr. Blackstock indicated that the 2002 valuation is based on the same base year as the 2001 valuation, and that Mr. Prokop had testified that there had been no changes to the property since the previous decision, so the Respondent's value appears to be accurate.
16. The Respondent's witness testified that most of the adjustments Petitioner utilized are the same as those used by Respondent, with the exception of the access characteristic. Mr. Blackstock believes that age adjustments are necessary for differences over five years.
17. During cross-examination, Respondent's witness testified that the \$9,550.00 access adjustment was established by the Jefferson County Assessor's Office in 1999 for the subject property; it is not an adjustment for the comparable sales. The Respondent's land adjustment is for dissimilarities in quality, location and size. The Respondent recognizes the subject property's access problem in the concluded land value.

18. Respondent assigned an actual value of \$172,200.00 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 reviewed the Petitioner's sales, and agrees with Petitioner that the sales occurred within the appropriate base period. However, the adjustments made for design and age were not supported by the Petitioner through either his testimony or in the appraisal worksheet. Respondent's adjustments were supported, although the Board notes that Respondent's sales required large time adjustments due to the older sales used.

3. The Board agrees with the Respondent that the access characteristic was considered in the land value for the subject property, and that an additional adjustment to the sales would not be appropriate.

4. After careful consideration of the testimony and evidence presented, the Board was most persuaded by the Respondent's documentation of the comparable sales and the adjustments made to those sales. The Board affirms the assigned value of \$172,200.00.

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 29th day of October, 2003.

BOARD OF ASSESSMENT APPEALS

Judee Nuechter

Judee Nuechter

Karen E Hart

Karen E. Hart

This decision was put on the record

OCT 29 2003

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



Penny S. Lowenthal

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