

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>FRANK MONTIJO,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>JEFFERSON COUNTY BOARD OF COMMISSIONERS</b></p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Frank Montijo Address: 930 Oak Street Lakewood, Colorado 80215 Phone Number: (303) 233-1982</p>	<p><b>Docket Number: 43128</b></p>
<p style="text-align: center;"><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on October 20, 2004, Karen E. Hart and Sondra W. Mercier presiding. Petitioner appeared pro se. Respondent was represented by Writer Mott, Esq.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**930 Oak Street, Lakewood, Colorado  
Jefferson County Schedule No. 056596**

Petitioner is protesting the 2003 actual value of the subject property, a 1,575 square foot single-family detached residence built in 1963 on .024 acres. The property has four bedrooms, one and three-quarters baths and a single-car attached garage.

## **ISSUES:**

### **Petitioner:**

Petitioner contends that the Respondent did not give consideration to the high traffic location on Oak Street or the nearby sales that occurred within the base period.

### **Respondent:**

Respondent contends that the subject property is correctly valued using the market approach. Petitioner's information is based on assessed values rather than on sales and Petitioner made no adjustments to reflect differences in physical characteristics.

## **FINDINGS OF FACT:**

1. Petitioner, Mr. Frank Montijo, presented the appeal on his own behalf.
2. Mr. Montijo testified that Oak Street is a popular access route between the 6<sup>th</sup> Avenue frontage road and Colfax Avenue, with high traffic. Oak Street is the most direct route to the Westland Mall and Fordland.
3. Petitioner's witness, Mr. Jim Smith, a licensed agent with Remax Alliance testified that traffic is the most important factor that detracts from the subject's location. He presented two comparable sales that he believed best represented the subject's higher traffic location. The property located at 10395 West 13<sup>th</sup> Place is a 1,520 square foot ranch home that sold within the base period for \$195,000.00. It has a fireplace, more finished square footage and a smaller detached garage. No adjustments were made for garage size, ranch style or date of sale. The property at 10620 W. 8<sup>th</sup> Place is the same age as the subject, and is located off of Oak Street only one and one-half block away from the subject. It has a fireplace and 306 finished square feet more than the subject. It sold for \$202,000.00 in September 2001, but was not adjusted for time. Although it backs up to multi-family housing, Mr. Smith did not believe that warranted an adjustment.
4. Mr. Smith testified that Respondent's Comparable Sale 2 is a good comparable due to its location on Oak Street.
5. Petitioner is requesting a 2003 actual value of \$200,000.00 to \$205,000.00 for the subject property.
6. Respondent's witness, Patty Jo White, a Registered Appraiser with the Jefferson County Assessor's Office, presented an indicated value of \$215,500.00 for the subject property based on the market approach.

7. Ms. White testified that the County Assessor's Office was not allowed to do an interior inspection and that they inspected the exterior of the subject from across the street.

8. Ms. White presented four sales that she believed were most comparable due to their split-level or two-story design. She testified that only one two-story home sold within the base period within the subject's neighborhood. While there were several sales of ranch homes, they were much smaller in size, requiring her to search for sales outside the subject neighborhood.

9. Respondent's four comparable sales had unadjusted sales prices ranging from \$194,000.00 to \$211,900.00. Sizeable "Date of Sale" adjustments were made based on a sales ratio trend analysis performed by the Jefferson County Assessor's office. Respondent's Comparable Sale 2, located on the same block as the subject at 872 Oak Street, sold for \$211,900.00 in October 2000. After adjustments for time, masonry construction, square footage, number of baths, basement/finish square footage, garden/unfinished square footage, garage, type of heat, fireplace and evaporative cooler, the adjusted sales price was \$211,100.00.

10. Ms. White testified that Oak Street is not considered to be a high traffic location. Jefferson County's first threshold for a high traffic adjustment requires a count of 5,000 to 10,000 vehicles per day.

11. Regarding Petitioner's comparable sale located at 10395 W. 13<sup>th</sup> Place, Ms. White testified that she would not compare a ranch to a split-level home. She indicated that she would make a time adjustment of \$7,800.00 and would also make adjustments for its larger .312-acre lot size, masonry construction, age and garage size. Ms. White testified that after adjustments to the Petitioner's two comparable sales (10395 W. 13<sup>th</sup> Place and 10620 W. 8<sup>th</sup> Place), the subject's indicated value would be \$210,865.00.

12. Regarding the time adjustment, Ms. White testified that the subject property is in Jefferson County Economic Area 3 and that Jefferson County performs statistical analyses on all sales within each "economic" area. Over 2,900 sales occurred in Economic Area 3 within the base period. Ms. White further testified that the boundaries of Economic Area 3 include an area well beyond the subject's immediate neighborhood.

13. In rebuttal, Mr. Montijo testified that Respondent's time adjustment does not reflect his immediate neighborhood or the market for his particular home and that the time adjustment alone represents a \$10,000.00 error that should be corrected.

14. The Jefferson County Board of Equalization assigned an actual value of \$225,000.00 to the subject property for tax year 2003, but is recommending a reduction in value to \$215,500.00.

## **CONCLUSIONS:**

1. Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2003.

2. The Petitioner presented two unadjusted sales that the Board believes accurately reflect the locational characteristics of the subject. Based on Respondent's suggested adjustments to these two sales, the subject's indicated value is \$210,865.00.

3. Additionally, both Petitioner's and Respondent's witnesses agreed that Respondent's Comparable Sale 2 provided the best indication of value for the subject. After appropriate adjustment, this sale indicated a value for the subject of \$211,100.00.

4. After careful consideration of all the testimony and evidence presented, the Board concluded that the 2003 actual value of the subject property should be reduced to \$211,100.00.

**ORDER:**

Respondent is ordered to reduce the 2003 actual value of the subject property to \$211,100.00.

The Jefferson County Assessor is directed to change his/her records accordingly.

**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 4<sup>th</sup> day of November 2004.

BOARD OF ASSESSMENT APPEALS

Karen E Hart  
Karen E. Hart

Sondra W. Mercier  
Sondra W. Mercier

This decision was put on the record

NOV 03 2004

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

