

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**
1313 Sherman Street, Room 315
Denver, Colorado 80203

Petitioner:

DONALD POLLA,

v.

Respondent:

**JEFFERSON COUNTY BOARD OF
EQUALIZATION.**

Attorney or Party Without Attorney for the Petitioner:

Docket Number: 43270

Name: Donald Polla
Address: 6945 Plateau Lane
Morrison, Colorado 80465
Phone Number: (303) 410-4090
E-mail: dsp.klh@worldnet.att.net

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on November 29, 2004, Steffen Brown and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by Martin E. McKinney, Esq. Petitioner is protesting the 2003 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**6345 Northway Drive, Morrison, Colorado
(Jefferson County Schedule No. 097912)**

The subject property is a 1,274 square foot two-story house built in 1977 with a finished walkout basement and two-car garage on 5.433 acres in the mountain subdivision of Gems Park Estates.

ISSUES:

Petitioner:

Petitioner contends that the subject property has many physical deficiencies, that his comparable sales are superior with lower net adjustments, and that comparisons of assigned values should be considered.

Respondent:

Respondent contends that the subject property is correctly valued based on the market approach.

FINDINGS OF FACT:

1. Donald Polla, Petitioner, presented the appeal on his own behalf.
2. Mr. Polla testified that the siding, window frames, and drywall joints needed repair or replacement; that drywall, flooring, and electrical systems were in poor condition; and that the kitchen floor was sagging. He had not secured an inspection from a structural engineer and did not present estimates for repairs or replacements.
3. Based on the market approach, Petitioner presented an indicated value of \$273,234.00 for the subject property.
4. Petitioner presented three comparable sales on page 4 of Exhibit A ranging in sales price from \$262,500.00 to \$307,000.00 and in size from 1,512 to 1,866 square feet. After adjustments were made, the sales ranged from \$260,202.00 to \$285,459.00.
5. Mr. Polla testified that he obtained sales information from the Jefferson County Assessor's office and selected comparable sales based on similarity in condition and cost per square foot. He made adjustments for time, age, size and room count, basement size and finish, garage size, porches and balconies, and miscellaneous. He testified that, although the comparable lot sizes were considerably smaller at 1.32, 2.38, and 2.96 acres, he made no adjustments because they had more level terrain and were more accessible. He made no adjustments for differences in ranch or split level styles or for the subject's walkout basement.
6. Mr. Polla presented a comparison of assigned values on pages 5 and 6 of Exhibit A and comparisons of previous assigned values on pages 31 and 32 of Exhibit A. He also compared valuation increases for neighboring properties to actual sales prices.
7. Petitioner is requesting a 2003 actual value of \$255,000.00 for the subject property.

8. Respondent's witness, David Michael King, a Licensed Appraiser with the Jefferson County Assessor's Office, presented an indicated value of \$345,000.00 for the subject property based on the market approach.

9. Mr. King presented three comparable sales ranging in sales price from \$294,000.00 to \$330,000.00 and in size from 1,527 to 1,780 square feet. After adjustments were made, the sales ranged from \$341,500.00 to \$378,200.00.

10. Mr. King made adjustments for time, age, size and room count, basement size and finish, walkout, updating and remodeling, and miscellaneous. He made adjustments at \$10,000.00 per acre for smaller comparable sale lots. He based the \$20,000.00 adjustments made to all of the sales on the subject's updated kitchen, bath, and flooring, citing MLS data. The current owners of all Respondent's comparable sales reported no updating.

11. Mr. King inspected each of Petitioner's comparable sales. He testified that Sale 1 was in poor condition and had been gutted at the time of sale. Sale 2 is located in the valley of an extremely steep site and should have been adjusted for view. Neither Sale 1 nor 3 was adjusted to reflect the subject's walkout basement, and Mr. King testified that Petitioner's time adjustments, calculated incorrectly, were low by approximately \$4,000.00 to \$5,000.00. Mr. King testified that, based on Petitioner's comparable sales, the indicated value of the subject property is \$333,000.00.

12. Respondent assigned an actual value of \$311,000.00 to the subject property for tax year 2003.

CONCLUSIONS:

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

2. The Board heard disparate testimony regarding the condition of the subject property but was convinced by the Respondent's MLS data that some updating has occurred. The Board would have benefited from interior photos or corroborating evidence from the Petitioner to support his contention that the subject was in inferior condition.

3. The Board finds that Respondent's land adjustments, based only on size, were excessive. The Board was not convinced that market reaction to the subject's larger site would carry an impact from \$31,000.00 to \$41,000.00 for size alone.

4. Pursuant to Colorado Revised Statutes, residential property must be valued based on the market approach. Comparison of assigned values or price per square foot is not accepted appraisal practice.

5. Board adjustments to Petitioner's market grid for time trending and the subject's updating supports the Respondent's assigned value of \$311,000.00 for tax year 2003. Board

adjustments to Respondent's land values does not significantly affect the indicated market value, which remains higher than the assigned value of \$311,000.00.

6. Based on all of the evidence and testimony presented, the Board affirms Respondent's assigned value for tax year 2003.

ORDER:

The petition is denied.

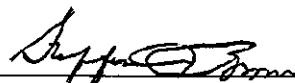
APPEAL:

Petitioner may petition the Court of Appeals for judicial review within 45 days from the date of this decision.

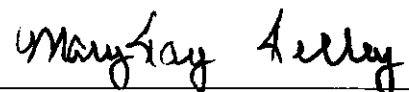
If Respondent alleges procedural errors or errors of law by this Board, Respondent may petition the Court of Appeals for judicial review within 30 days from the date of this decision.

DATED and MAILED this 30th day of December 2004.

BOARD OF ASSESSMENT APPEALS



Steffen A. Brown

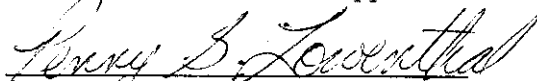


MaryKay Kelley

This decision was put on the record

DEC 30 2004

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



Penny S. Lowenthal

