

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>CAROLYN L. WEIDMAN,</p> <p>v.</p> <p>Respondent:</p> <p>BOULDER COUNTY BOARD OF EQUALIZATION.</p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Carolyn L. Weidman Address: 3050 18th Street Boulder, Colorado 80304 Phone Number: (303) 442-3050</p>	<p>Docket Number: 43357</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on August 18, 2004, Diane M. DeVries and Sondra W. Mercier presiding. Petitioner appeared pro se. Respondent was represented by Michael A. Koertje, Esq.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**3050 18th Street, Boulder, Colorado
Boulder County Schedule No. R0002163**

Petitioner is protesting the 2003 actual value of the subject property, a 1,388 square foot, one-story ranch residence on a 6,855 square foot lot. The residence was completed in 1960. The subject property has three bedrooms, one and one-half bathrooms and a single car garage.

ISSUES:

Petitioner:

Petitioner contends that more comparable sales were available within the subject's neighborhood and that Respondent selected less comparable properties for analysis. Petitioner contends that Respondent did not give adequate weight to the condition of the subject property or to the increase in rental units in the immediate neighborhood.

Respondent:

Respondent contends that the comparables selected are reasonable and support the assigned value.

FINDINGS OF FACT:

1. Ms. Carolyn L. Weidman, Petitioner, presented the appeal on her own behalf. Petitioner is requesting a 2003 actual value of \$310,000.00 for the subject property.

2. Ms. Weidman presented three sales that she believes are most comparable to the subject. Petitioner's comparable sales are summarized in the following table:

Comp No.	Address	Date of Sale	Sales Price	Square Footage
1	3165 18 th Street	May 29, 2002	\$330,000	1,525
	3165 18 th Street	May 21, 2001	\$322,000	1,525
2	3340 13 th Street	December 19, 2001	\$295,000	1,385
3	1985 Floral Drive	May 21, 2001	\$300,000	1,325

3. The Petitioner testified that Comparable Sale 1 is more spacious, has privacy fencing and a better location than the subject. Ms. Weidman selected Comparable Sales 2 and 3 because they are similar to the subject in square footage and street appeal.

4. Mr. Matthew D. Wright, a Registered Appraiser with the Boulder County Assessor's Office, presented three comparable sales, summarized in the following table:

Comp. No.	Address	Date of Sale	Sales Price	Square Footage
1	3165 18 th Street	May 29, 2002	\$330,000	1,525
2	3060 18 th Street	March 27, 2001	\$364,500	1,671
3	3010 Washington St.	July 16, 2001	\$349,900	1,392

5. Mr. Wright applied a positive time adjustment to all three of Respondent's comparable sales. Comparable Sale 1 was adjusted to reflect its larger size and lack of garage. The adjusted value for Sale 1 was \$335,890.00. Comparable Sale 2 required the greatest adjustment for size and was given the least amount of weight in the determination of value for the subject. Regarding Sale 3, Mr. Wright made a slight downward adjustment for size and an upward adjustment for the inferior number of baths. The adjusted value of this sale was \$366,780.00.

6. Respondent's Exhibit 1 indicates that the greatest reliance was placed on Comparable Sales 1 and 3, as they were in "as is" condition at the time of sale

7. Mr. Wright testified that, with the exception of Sale 1, Petitioner's sales were not as comparable to the subject as those selected by Respondent. Mr. Wright indicated that Petitioner's Comparable Sale 2 is located one block east of Broadway and was in "very rough" condition at the time of sale according to MLS records. The property at 1985 Floral Drive is located at the intersection of two busy streets, 19th and Floral, and would require an upward adjustment for location.

10. Respondent assigned an actual value of \$352,200.00 to the subject property for tax year 2003.

CONCLUSIONS:

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

2. Both Petitioner and Respondent cited 3165 18th Street as comparable to the subject, with a sales price of \$330,000.00. The Board was convinced that Mr. Wright made appropriate adjustments to this sale, bringing the adjusted value to \$335,890.00.

3. The Board finds that 3165 18th Street represents the most comparable sale, and that after adjustment, it provides the best indication of value presented.

4. The Board concluded that the 2003 actual value of the subject property should be reduced to \$335,890.00.

ORDER:

Respondent is ordered to reduce the 2003 actual value of the subject property to \$335,890.00.

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

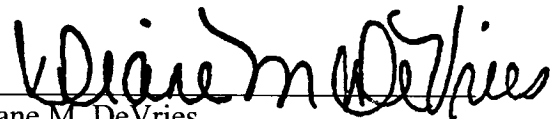
APPEAL:

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 10th day of September 2004.

BOARD OF ASSESSMENT APPEALS



Diane M. DeVries

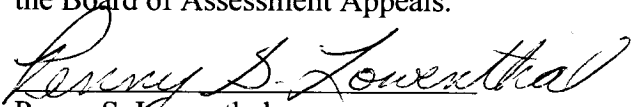


Sondra W. Mercier

This decision was put on the record

SEP 09 2004

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



Penny S. Lowenthal

