

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

Docket No.: 43814

Petitioner:

HENRY J. BRANDES TRUSTEE,

v.

Respondent:

ELBERT COUNTY BOARD OF EQUALIZATION.

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on September 16, 2005, MaryKay Kelley and Diane M. DeVries presiding. Petitioner appeared pro se. Respondent was represented by Mark H., Scheffel, Esq. Petitioner is protesting the 2004 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**5672 Columbine Ridge Road, Elizabeth, Colorado
(Elbert County Schedule No. 8409408048)**

The subject property is a 1,848 square foot ranch style home built in 2003. There is a full, walkout basement with 660 square feet of finished area and an attached 2-car garage.

FINDINGS OF FACT:

1. Petitioner presented three comparable sales that sold within the January 1, 2001 through June 30, 2002 base period. The sales ranged in price from \$215,000.00 to \$259,000.00 and in size from 1,640 to 2,186 square feet. No adjustments were made to Petitioner's comparable sales.

2. The Petitioner presented photographs of the subject property showing the subject's deficiencies and inferior interior finish.

3. Petitioner is requesting a 2004 actual value of \$275,000.00 for the subject property.

4. Respondent presented an indicated value of \$315,000.00 for the subject property based on the market approach.

5. Respondent presented five comparable sales ranging in price from \$268,000.00 to \$312,000.00 and in size from 1,836 to 2,115 square feet. After adjustments were made for differences in physical characteristics, the sales ranged from \$291,220.00 to \$323,410.00.

6. Respondent assigned an actual value of \$317,250.00 to the subject property for tax year 2004, but is recommending a reduction in value to \$315,000.00.

7. The Board was convinced that the interior finish of the subject property is inferior to that of Respondent's comparable sales. Therefore, the Board determined that the value of the subject property should be on the lower end of the range.

CONCLUSIONS OF LAW:

1. Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2004.

2. The Board concluded that the 2004 actual value of the subject property should be reduced to \$292,000.00, with \$62,500.00 allocated to land and \$229,500.00 allocated to improvements.

ORDER:

Respondent is ordered to reduce the 2004 actual value of the subject property to \$292,000.00, with \$62,500.00 allocated to land and \$229,500.00 allocated to improvements.

The Elbert County Assessor is directed to change 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 4th day of October 2005.

BOARD OF ASSESSMENT APPEALS

MaryKay Kelley

MaryKay Kelley

Diane M DeVries

Diane M. DeVries

This decision was put on the record

OCT - 3 2005

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

