

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>VICKI FERGUSON AND KEITH MONTOYA,</p> <p>v.</p> <p>Respondent:</p> <p>ADAMS COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 48120</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on May 16 and June 2, 2008, Debra A. Baumbach and Diane M. DeVries presiding. Petitioner, Vicki Ferguson, appeared pro se. Respondent was represented by Jennifer M. Wascak, Esq. Petitioner is protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**3775 West 100th Avenue, Westminster, Colorado
(Adams County Schedule No. R0046252)**

The subject property is a single-family, detached home of very good quality built in 1992, which backs to a golf course. The subject has 3,559 square feet, four bedrooms, three and one-half baths, and a three car attached garage

Petitioner testified that she purchased the subject property in 2002. The subject property is a Celebrity tract home versus custom home. The subject is used as a rental property and is outdated. Petitioner provided pictures of the subject property and its outdated condition. The subject is in need of paint, carpet, new kitchen and baths, windows, and a furnace. It is 1992 vintage and due for updating.

Petitioner testified about details of the comparable sales used by Respondent. Sale 1 was for sale by owner, has a complete mountain-view, waterfall system, waterfall pond landscaping, and

plantation shutters. Petitioner provided the Board with complete Multiple Listing Service (MLS) printouts for Sales 2, 3, and 4. All four comparable sales included a walkout basement where as the subject does not have one. Additionally, other detailed information was provided in the printouts.

Petitioner is requesting a 2007 actual value of \$490,000.00 for the subject property.

Respondent presented an indicated value of \$583,963.00 for the subject property based on the market approach.

Respondent's witness, Ms. Susan Schilling a Certified Residential appraiser with the Adams County Assessor's Office, presented four comparable sales ranging in sales price from \$525,000.00 to \$720,000.00 and in size from 3,108 to 3,504 square feet. After adjustments were made, the sales ranged from \$604,990.00 to \$628,910.00.

Ms. Schilling indicated that she does not have access to the online services of the MLS and her office mainly relies on MLS sold books.

Respondent assigned an actual value of \$583,963.00 to the subject property for tax year 2007.

Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2007.

The Board recognizes that Respondent attempted to take into account deficiencies affecting the subject as well adjusting for those differences. However, the Board is not convinced that Respondent accounted and adjusted for all the factors affecting the subject property. Therefore, the Board believes a further reduction is warranted. The Board is convinced that detailed information provided in the MLS printouts presented by Petitioner is crucial in determining adjustments and other factors affecting value ranges.

The Board believes that it would be very beneficial and strongly encourages the Adams County Assessor's office to have the ability to access and utilize the online MLS service. The Board is convinced that this service is highly valuable and crucial in the analysis of comparable sales and adjustments to arrive at a supportable value conclusion.

The Board concludes that the 2007 actual value of the subject property should be reduced to \$550,000.00.

ORDER:

Respondent is ordered to reduce the 2007 actual value of the subject property to \$550,000.00.

The Adams County Assessor is directed to change his records accordingly.

APPEAL:

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Colorado Revised Statutes ("CRS") section 24-4-106(11) (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the Respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of CRS section 24-4-106(11) (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

Colo. Rev. Stat. § 39-8-108(2) (2008).

DATED and MAILED this 7th day of August 2008.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach
Debra A. Baumbach

Diane M. DeVries
Diane M. DeVries

This decision was put on the record

AUG 07 2008

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

Heather Heinlein
Heather Heinlein

