

<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>JALAL FAKHARZADEH,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>ARAPAHOE COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 48256</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on April 6, 2009, Karen E. Hart and Lyle D. Hansen presiding. Petitioner was represented by Brian Fakharzadeh. Respondent was represented by Breena N. Meng, Esq. Petitioner is protesting the 2007 actual value of the subject property.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**1488 South Tory Street, Aurora, Colorado  
Arapahoe County Schedule No. 1973-24-3-13-009**

The subject is a one-story attached single-family residence. The stucco residence was built in 1979 of average construction quality. The residence contains a total of 1,488 square feet of gross living area on the main level with a total of 893 square feet in the basement area of which 804 square feet are finished. There is a garage containing a total of 418 square feet.

Petitioner presented an indicated value of \$145,000.00 for the subject property.

Petitioner presented two comparable sales ranging in sales price from \$157,500.00 to \$180,000.00 and both sales containing a total of 1,488 square feet. Petitioner accomplished no adjustments to the sales.

Petitioner testified that significant deferred maintenance existed on the subject property. A snowstorm in 2006 caused damage to the flat roof cover resulting in water damage on the interior of the residence. Mr. Fakharzadeh testified that the heating system had failed resulting in the loss of heat to the building. Petitioner estimated the total cost to correct the damage to these components was \$30,000.00, but did not support this estimate with documentary evidence.

Petitioner is requesting a 2007 actual value of \$145,000.00 for the subject property.

Respondent presented an indicated value of \$175,600.00 for the subject property based on the market approach.

Respondent's appraiser presented four comparable sales ranging in sales price from \$195,500.00 to \$211,000.00 and in size from 1,432 to 1,528 square feet. After adjustments were made, the sales ranged from \$207,215.00 to \$217,413.00. Respondent's appraiser accomplished an additional downward adjustment to the comparable sales resulting in a value indication of \$175,600.00. This downward adjustment was accomplished to reflect the physical condition of the subject.

Respondent assigned an actual value of \$215,400.00 to the subject property for tax year 2007, but is recommending a reduction to \$175,600.00.

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

Respondent's four comparable sales are located in the same residential development as the subject and within one block. The four comparable sales were all one story, and comparable in location, year of construction, gross living area, garage space, heating system, and covered patio.

The Board agrees with Respondent's comparable sales and the value conclusion reflecting the deduction for physical damage to the residence. The Board gives no weight to Petitioner's two comparable sales. One comparable was a distressed sale because of foreclosure. The other comparable had a sale date that occurred after the base period ending on June 30, 2006 and cannot be considered by the Board.

The Board concludes that Respondent's value conclusion of \$175,600.00 properly reflected the reduction in value of the subject for the physical condition and that a further reduction to Petitioner's value of \$145,000.00 was not warranted.

The Board further agrees with Respondent in reducing the assigned value of \$215,400.00 to \$175,600.00.

**ORDER:**

Respondent is ordered to reduce the 2007 actual value of the subject property to \$175,600.00.

The Arapahoe County Assessor is directed to change his/her 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 CRS § 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 § 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.

CRS § 39-8-108(2) (2008).

DATED and MAILED this 28<sup>th</sup> day of April 2009.

**BOARD OF ASSESSMENT APPEALS**

*Karen E Hart*

Karen E. Hart

*Lyle B. Hansen*

Lyle B. Hansen

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

*Heather Flannery*  
Heather Flannery

