

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>ROGER CLINKENBEARD,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 48963</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on May 13, 2008, Diane M. DeVries and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by James Burgess, Esq. Petitioner is protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**1684 South Endicott Street, Lakewood, Colorado
(Jefferson County Schedule No. 067928)**

The subject property is a 1,026 square foot brick ranch with basement and garage built in 1967 in the Clover Meadows Subdivision. Respondent assigned a value of \$215,700.00 for tax year 2007. Petitioner is requesting a value of \$196,100.00.

Petitioner testified that criminal activity in the neighborhood, including burglaries and vandalism, has impacted properties values. He has been the victim of burglary and driveway damage by a tow truck. A crime family has lived next door for years and repeatedly has shined car lights through the subject property’s windows and thrown a rock through the front window. Police intervention has not helped. An article titled “Effects of Violent Crimes on Property Values” in the 1988 Appraisal Journal No. 56, estimated that property values have been affected by 15% due to

crime. Petitioner is requesting that value remain the same as ordered by the Board for tax year 2005 or \$196,100.00

Petitioner testified that he purchased the subject property approximately twenty years ago from HUD in below average condition with carpet, drywall, and countertop damage, and settlement cracks. He replaced the roof and repaired drywall damage but considered overall condition to be less than average.

Respondent presented an indicated value of \$218,000.00 for the subject property based on the market approach but without interior inspection. Four comparable sales were presented ranging in sales price from \$216,000.00 to \$219,900.00 and are identical in size. After adjustments were made the sales ranged from \$207,000.00 to \$225,800.00.

Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2007. The Board is convinced that any criminal activity in the neighborhood is reflected in sales prices of comparable sales, since all of Respondent's comparables are ten blocks or less from the subject property. The subject's physical condition was unknown to Respondent's appraiser and would have likely affected value. Therefore, the Board concluded to a value at the low end of the indicated range presented by Respondent.

The Board concluded that the 2007 actual value of the subject property should be reduced to \$210,000.00.

ORDER:

Respondent is ordered to reduce the 2007 actual value of the subject property to \$210,000.00.

The Jefferson 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) (2007).

DATED and MAILED this 28th day of May 2008.

BOARD OF ASSESSMENT APPEALS

Diane M DeVries

Diane M. DeVries

MaryKay Kelley

MaryKay Kelley

This decision was put on the record

MAY 28 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

