

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>WAYNE G. LYLE,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 49172</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on August 6, 2008, Karen E. Hart and Sondra W. Mercier 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:

**7 Red Maple, Littleton, Colorado
(Jefferson County Schedule No. 166375)**

The subject is a two-story residential unit of 2,877 square feet, with a 1,034-square-foot unfinished basement. The subject was built in 1983. The lot is 0.159 acres.

Based on the market approach, Petitioner presented an indicated value of \$394,306.00 for the subject property.

Petitioner presented four comparable sales ranging in sales price from \$383,000.00 to \$398,000.00 and in size from 2,205 to 2,745 square feet. Petitioner made no adjustments to the sales used. Petitioner testified that the subject does not have a fenced yard, does not back up to open space, has a smaller lot, and no deck; therefore, Petitioner contends it is inferior compared to comparables used by Respondent. Petitioner testified that there had been no updating or upgrading

done to the home and that there were structural issues with a column and required driveway maintenance.

Petitioner is requesting a 2007 actual value of \$394,306.00 for the subject property.

Respondent presented an indicated value of \$430,000.00 for the subject property based on the market approach.

Respondent presented four comparable sales ranging in sales price from \$388,900.00 to \$499,000.00 and in size from 2,523 to 2,869 square feet. After adjustments were made, the sales ranged from \$399,200.00 to \$465,100.00.

Respondent contends that Petitioner's sales were significantly smaller than the subject and were not appropriately adjusted for size. Respondent further testified that the minor difference in lot size, the lack of fencing, and the minor deferred maintenance of the column and driveway did not warrant adjustment.

Respondent assigned an actual value of \$420,933.00 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.

Both Petitioner and Respondent relied on the sale at 20 Canyon Cedar in their analysis of the subject. The sales price was \$388,900.00. The Board is convinced that Respondent accurately adjusted this sale for market conditions, size, and other features, resulting in an indicated value of \$414,300.00. Respondent indicated that this sale was given the most weight in his valuation; however, that all sales had been considered. The Board is convinced that this sale was reliable as an indicator of the value of the subject.

The Board concludes that the 2007 actual value of the subject property should be reduced to \$414,300.00.

ORDER:

Respondent is ordered to reduce the 2007 actual value of the subject property to \$414,300.00.

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 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 24th day of September 2008.

BOARD OF ASSESSMENT APPEALS

Karen E Hart

Karen E. Hart

This decision was put on the record

SEP 24 2008

Sondra W Mercier

Sondra W. Mercier

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

Heather Flannery
Heather Flannery

