

**BOARD OF ASSESSMENT APPEALS,  
STATE OF COLORADO**

1313 Sherman Street, Room 315  
Denver, Colorado 80203

**Docket No.: 49202**

Petitioner:

**MARK W. GERGANOFF AND ROBIN E.  
MCINTOSH,**

v.

Respondent:

**JEFFERSON COUNTY BOARD OF  
EQUALIZATION.**

**ORDER**

**THIS MATTER** was heard by the Board of Assessment Appeals on September 12, 2008, Karen E. Hart and MaryKay Kelley presiding. Mark Gerganoff appeared pro se for Petitioners. Respondent was represented by Eric Butler, Esq. Petitioners are protesting the 2007 actual value of the subject property.

The parties agreed to consolidation of tax years 2007 and 2008; however an appeal for the subject property for tax year 2008 has not yet been perfected with the Board. Therefore the Board will not consolidate the two tax years.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**24276 Choke Cherry Lane, Golden, Colorado  
(Jefferson County Schedule No. 051092)**

The subject property is a frame, ranch design residence with a partially finished basement and two-car garage built in 1978 on a 0.37-acre site in the Genesee subdivision. Petitioners' witness reports the main living area as 2,149 square feet, Respondent's witness as 2,103 square feet.

Respondent assigned an actual value of \$500,430.00 for tax year 2007. Petitioners are requesting a value of \$482,000.00.

Petitioners' witness prepared two market analyses, both with indicated values of \$482,000.00. The first report did not include time adjustments, and a request for a second report with time adjustments was prepared. The second appraisal includes two comparable sales from the first report and three new sales. The five sales range in price from \$417,000.00 to \$517,500.00 and in size from 1,708 to 2,419 square feet. After adjustments were made, the sales ranged from \$466,700.00 to \$495,200.00.

Petitioners' witness made adjustments for time (0.4% per month), bathroom count (\$1,000.00 to \$2,000.00), main floor living space (\$65.00 per square foot), basement size (\$22.00 per square foot) and finish (\$24.00 per square foot), basement walkout (\$7,500.00), open space (\$25,000.00), condition/updating/superior finishes (\$15.00 to \$20.00 per square foot), and fireplaces (\$500 each).

Respondent's witness, testifying about the market analysis prepared by another staff member, presented an indicated value of \$516,733.00 for the subject property. Three comparable sales were presented ranging in sales price from \$440,000.00 to \$525,000.00 and in size from 1,628 to 1,708 square feet. After adjustments were made, the sales ranged from \$503,200.00 to \$542,200.00.

Respondent's witness made adjustments for time (0.4% per month), bathroom count (\$4,400.00), main floor living space (\$111.00 per square foot), basement size (\$24.00 per square foot) and finish (\$14.00 per square foot), basement walkout (\$8,700.00), open space and view (\$12,700.00 to \$41,100.00), condition and updating (\$10,300.00), fireplaces (\$2,300.00 each), and decking (\$4,500.00 to \$5,100.00).

The Board has little confidence in the time adjustments. Petitioners' witness prepared two appraisals, one with and one without time adjustments, testifying that the market was predominantly stable and that she is not convinced time adjustments were warranted. Respondent's adjustments were based on single family homes in a large area without regard for age, construction quality, price range, acreage, terrain/view/access, or other factors affecting price.

The Board gave little weight to the two reports by Petitioners' appraiser, one with and one without time adjustments, each with a variety of comparable sales yet the same indicated value. Also, only one of the five sales in the second report is a ranch elevation in an area with available ranch-styled sales.

The Board is not fully convinced by Respondent's appraisal report. The witness disagreed with adjustments and conclusions made by his colleague. The author of the report remains on staff and should have been present to explain and defend it.

The Board has greater confidence in Respondent's market analysis, which compared the subject property with ranch-style homes. However, Petitioners provided evidence, albeit without detail or verification, that prices for Sales 2 and 3 included updating and remodeling. Recalculation minus time and decking adjustments and consideration for the above-mentioned remodeling suggests an indicated value of \$485,000.00.

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

The Board concluded that the 2007 actual value of the subject property should be reduced to \$485,000.00.

**ORDER:**

Respondent is ordered to reduce the 2007 actual value of the subject property to \$485,000.00.

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 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 8<sup>th</sup> day of October 2008.

BOARD OF ASSESSMENT APPEALS

Karen E Hart  
Karen E. Hart

MaryKay Kelley  
MaryKay Kelley

This decision was put on the record

OCT 08 2008

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

Heather Flannery  
Heather Flannery

