

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>J. L. CONSIDINE,</p> <p>v.</p> <p>Respondent:</p> <p>DENVER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 49260</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on December 8, 2008, MaryKay Kelley and James R. Meurer presiding. Petitioner appeared pro se. Respondent was represented by Michelle Bush, Esq. Petitioner is protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**2530 Williams Street, Denver, Colorado
(Denver County Schedule No. 02351-05-004-000)**

The subject is a single-family detached house located in the Whittier (Schinners Addition) submarket of the City and County of Denver. The Whittier neighborhood is located just northeast of the Denver central business district and consists of predominately older residential properties, a number of which have been, or are in the process of being rehabilitated. The house is one and one-half stories, contains 1,372 square feet according to amended county records, and includes three bedrooms and one bath. It was constructed in 1905, the foundation is stone, and there is a 374 square foot basement. There is a two-car detached garage; however, this structure was added after the base period. Heat is via gas forced air and lot size is 3,940 square feet. The house has had minimal updating since original construction. Respondent did not do an internal inspection of the property; however, Petitioner did provide 22 photographs of the interior of the house during the hearing.

Based on the market approach, Petitioner presented an indicated value of \$203,997.00 for the subject property.

Petitioner presented four comparable sales ranging in sales price from \$187,000.00 to \$227,500.00 and in size from 1,440 to 1,480 square feet. After adjustments, Petitioner presented an adjusted average price for the comparables of \$138.96 per square foot. Petitioner did not provide specific adjustments to each comparable; however, indicated that he had inspected all of the comparables and that they were similar in size to the subject and located within the same neighborhood.

Petitioner argued Respondent's comparables required large net adjustments and that Petitioner's comparables were more similar to the subject property. Petitioner further argued that Respondent did not consider the socio-economic characteristics of the neighborhood and did not adjust for the actual condition of the property including substandard electric and plumbing, cracks in the walls, minimal updating, and a poor floorplan.

Petitioner is requesting a 2007 actual value of \$203,997.00 for the subject property.

Respondent presented an indicated value of \$250,000.00 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sales price from \$273,000.00 to \$303,500.00 and in size from 1,415 to 1,426 square feet. After adjustments were made, the sales ranged from \$234,880.00 to \$255,997.00.

Respondent's witness testified that their comparable sales were all one and one-half story houses located in the same neighborhood as the subject and that the adjustments to these comparables were supportable within the market. Respondent further testified that the condition of the property during the base period was reflected in the value. Respondent argued that two of Petitioner's sales should not have been used for comparative purposes given that the comparable located at 3029 Race Street was a lender owned property and that the comparable located at 3008 York Street was on a busy street.

Respondent assigned an actual value of \$237,400.00 to the subject property for tax year 2007.

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

After careful consideration of the testimony and exhibits presented in the hearing, the Board concludes that Respondent's assigned value accurately reflects the market value for the subject. The Board recognizes that the majority of the comparable sales presented by both Petitioner and Respondent are superior in condition to the subject; however, the Board agrees that Respondent's comparables and the level of detail in the adjustments to these comparables more accurately addresses the physical and location characteristics of the house during the base period. Respondent's adjusted sales ranged from \$234,880.00 to \$255,997.00; therefore, the Board

concludes that Respondent's assigned value of \$237,400.00 falls within a reasonable range and reflects a supportable market value for the subject.

ORDER:

The petition is denied.

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).

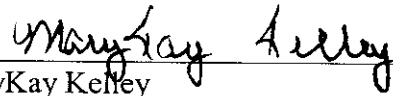
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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.

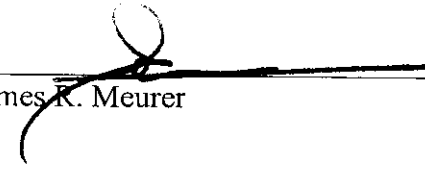
CRS § 39-8-108(2) (2008).

DATED and MAILED this 18th day of December, 2008.

BOARD OF ASSESSMENT APPEALS



MaryKay Kelley

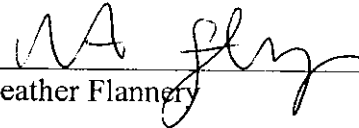


James R. Meurer

This decision was put on the record

DEC 18 2008

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



Heather Flannery

