

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>THOMAS M. AND ELAINE F. SLATTERY,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 49273</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on December 10, 2008, Diane M. DeVries and Sondra W. Mercier presiding. Petitioner, Thomas M. Slattery, appeared pro se. Respondent was represented by James Burgess, Esq. Petitioners are protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**32777 Janelle Lane, Golden, Colorado
(Jefferson County Schedule No. 083181)**

The subject is a 2.17 acre vacant lot in the Coal Creek Heights subdivision.

Petitioners presented six comparable sales that occurred between October 2004 and April 2007. The Board gave no weight to the sale occurring April 2007 since it sold beyond the base period. Petitioners' five remaining comparable sales ranged in sales price from \$33,000.00 to \$60,000.00 and in size from 1.16 to 1.56 acres. Petitioners made no adjustments to the comparable sales for time or any other factors.

Petitioners are requesting a 2007 actual value of \$80,750.00 for the subject property. Petitioners contend that the actual value of the subject should be equal to that of Lot 26A, addressed as 32778 Janelle Lane, valued by the Assessor at \$80,750.00.

Respondent presented an indicated value of \$95,000.00 for the subject property based on the market approach.

Respondent presented four comparable sales ranging in sales price from \$55,000.00 to \$110,000.00 and in size from 1.20 to 2.10 acres. Respondent made adjustments to the comparable sales for time, views, infrastructure, location, and topography. After adjustments were made, the sales ranged from \$79,125.00 to \$109,100.00, with a mean of \$95,402.00.

Respondent's Sale 2, addressed as 32767 Janelle Lane, is located immediately adjacent to the subject and sold for \$97,000.00. Sale 2 occurred in April 2006, receiving a time adjustment of \$1,500.00. No other adjustments were made to this sale. Respondent contends that this sale is most comparable to the subject and best supports the indicated value.

Respondent assigned an actual value of \$92,860.00 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.

The Board was convinced that Respondent's Comparable Sale 2 provided a good indication of the value of the subject. The value indicated by Sale 2 was within the range indicated by Respondent's remaining comparable sales.

The Board was convinced that Petitioners' sales were significantly inferior for views, topography, or location compared to the subject, with no adjustment for time made.

Petitioners relied on equalization in determining the value of the subject. "Our state constitution and statutes make clear that individual assessments are based upon a property's actual value and that actual value may be determined using a market approach, which considers sales of similar properties." *Arapahoe County Board of Equalization v. Podoll*, 935 P.2d 14, 17 (Colo. 1997). Once the actual value of the subject property has been determined, the Board can then consider an equalization argument if evidence or testimony is presented which shows the Board that the assigned values of the equalization comparables were derived by appropriate application of the cost, market, and income approaches to value and that each comparable was correctly valued. Since that evidence and testimony was not presented, the Board gave little weight to the equalization argument presented by Petitioners.

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 24th day of December 2008.

BOARD OF ASSESSMENT APPEALS



Diane M. DeVries

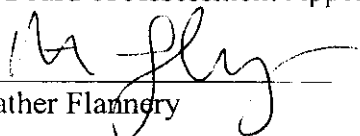
This decision was put on the record



Sondra W. Mercier

DEC 23 2008

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



Heather Flannery

