

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>JOEL W. AND EDITH L. PANKOW,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>JEFFERSON COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 49441</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on March 3, 2009, Diane M. DeVries and MaryKay Kelley presiding. Petitioner, Joel W. Pankow, appeared pro se. Respondent was represented by Writer Mott, Esq. Petitioners are protesting the 2007 actual value of the subject property.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**20 Holly Oak, Littleton, Colorado  
(Jefferson County Schedule No. 175420)**

The subject property is a 2,437-square-foot two-story residence with unfinished basement and garage built in 1990 on a 0.129-acre lot in The Valley subdivision of Ken Caryl Ranch.

Respondent assigned an actual value of \$421,060.00 for tax year 2007. Petitioners are requesting a value of \$383,474.00.

Petitioners presented an indicated value of \$383,474.00 for the subject property. Mr. Pankow presented three comparable sales ranging in sales price from \$369,000.00 to \$383,000.00 and in size from 2,100 to 2,745 square feet. The sales are located approximately one mile from the subject. Value indication was based on the average of time-trended sales prices: \$373,428.00; \$386,334.00; and \$390,660.00. No other adjustments were applied.

Respondent presented an indicated value of \$430,000.00 for the subject property based on the market approach. Four comparable sales were presented ranging in sales price from \$426,000.00 to \$510,000.00 and in size from 2,430 to 2,499 square feet. Located within blocks of the subject property, they were selected for their proximity, size, and similarity in design and construction quality. After adjustments were made, the sales ranged from \$420,800.00 to \$465,800.00. Indicated value was reconciled at \$430,000.00.

Mr. Pankow argued that Respondent's Sale 4 is not comparable: additions were built in 2002 including an enclosed porch and an expanded kitchen, and the site is considerably larger. The Board is convinced by Petitioner's testimony, therefore gives this sale no weight.

Mr. Pankow argued that his site backs to Valley Parkway, a moderately-traveled street with 2,400 to 2,500 cars per day. Respondent's witness did not consider the property to be adversely impacted by traffic and made no adjustments in his appraisal. Petitioner did not present any market data supporting adjustments, and the Board is not convinced additional adjustments should be made.

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

The Board considers Respondent's remaining three comparable sales to be more representative of the subject property because of their proximity and similarity in size. Ken Caryl Valley is comprised of numerous builders with a variety of sizes, construction quality, materials, and features. Location within the same filing and proximity to the subject indicates a similar product. The Board finds Respondent's Sales 1, 2, and 3 supportive of the assigned value of \$421,060.00.

## **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).

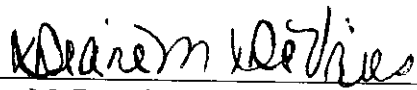
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

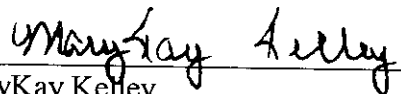
If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

CRS § 39-8-108(2) (2008).

**DATED and MAILED** this 18<sup>th</sup> day of March 2009.

**BOARD OF ASSESSMENT APPEALS**

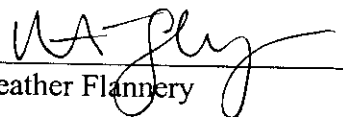
  
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Diane M. DeVries

  
\_\_\_\_\_  
MaryKay Kelley

This decision was put on the record

**MAR 18 2009**  
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I hereby certify that this is a true and correct copy of the decision of the Board of Assessment Appeals.

  
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Heather Flannery

