

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>CINDY WILLIAMS,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 49810</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on June 2, 2009, Diane M. DeVries and James R. Meurer presiding. Ms. Cindy Williams appeared pro se. Respondent was represented by James Burgess, Esq. Petitioner is protesting the 2007 actual value of the subject property.

Respondent moved to have the petition dismissed under Section 39-8-108(1), C.R.S. due to untimely submission of the appeal resulting in a lack of jurisdiction of the Board. After review of the documentation, the Board denied Respondent’s motion.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**29070 Highway 72, Golden, Colorado
(Jefferson County Schedule No. 044702)**

The subject is a single-family detached house located in the Coal Creek submarket of unincorporated Jefferson County. The house is ranch style, was originally constructed in 1935, and is frame and masonry construction with a composition shingle roof. Living area square footage is 2,674 square feet per county records and there are 2 bedrooms and 2½ baths. In addition, there is a two-car detached garage with a 704-square-foot apartment above. Lot size is approximately 3.55 acres. The subject was purchased by Petitioner in March of 2006 for \$182,500.00 and was reported to be in need of substantial upgrading and remodeling at that time.

Based on the purchase price of the subject during the base period and the condition of the property as of the assessment date, Petitioner presented an indicated value of \$182,500.00 for the subject property.

Petitioner is requesting a 2007 actual value of \$182,500.00 for the subject property.

Respondent presented an indicated value of \$476,500.00 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sales price from \$275,000.00 to \$447,000.00 and in size from 1,579 to 2,150 square feet. All of the sales were considered to have the same locational influence as the subject. In addition, Respondent adjusted each comparable \$56,500.00, or \$80.26 per square foot, for the apartment above the garage. After adjustments were made, the sales ranged from \$381,500.00 to \$530,100.00. Respondent indicated that given the location and physical characteristics of the property, there was a paucity of sales to compare to the subject. Respondent's witness placed most weight on Sale 3.

Respondent assigned an actual value of \$297,720.00 to the subject property for tax year 2007.

A significant point of disagreement between Petitioner and Respondent was the condition and state of completion of the subject property as of the valuation date. Petitioner testified that the property was in a "shell" condition with only minor improvements completed since purchase. Respondent indicated that based on a review of building permit records, the property was 100% complete as of the assessment date.

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 comparables used by Respondent are located in similar neighborhoods, are reflective of the market, and the majority of the adjustments to the comparables are supportable. In addition, the Board concludes that the \$56,500.00 positive adjustment to the sales for the garage apartment is excessive; however, reducing the amount of this adjustment would not change the assigned value.

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 Section 24-4-106(11), C.R.S. (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 Section 24-4-106(11), C.R.S. (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.


Section 39-8-108(2), C.R.S.

DATED and MAILED this 16th day of July, 2009.

BOARD OF ASSESSMENT APPEALS



Diane M. DeVries



James R. Meurer

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



Heather Flannery

