

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>ALBERT E. AND PATRICIA JOHNSON,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 51334</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on January 12, 2010, Karen E. Hart and Diane M. DeVries presiding. Albert E. Johnson appeared pro se for Petitioners. Respondent was represented by Martin McKinney, Esq. Petitioners are protesting the 2008 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**75 North Ranch Road, Littleton, Colorado
(Jefferson County Schedule No. 183774)**

The subject property consists of a two-story residence of above average quality built in 1995 with 4 bedrooms, 2 ½ baths, 2 fireplaces, and a 5-car garage. There are 3,880 square feet of main living area and 2,020 square feet of basement with 300 square feet finished. The subject sits on 0.394 acres.

Petitioners presented three comparable sales ranging in sales price from \$715,000.00 to \$765,000.00 and in size from 3,428 to 3,603 square feet. No adjustments were made for differences in amenities or characteristics. Petitioners' sales were used in the Assessor's Notice of Determination dated July 10, 2008.

Mr. Johnson testified that there was a water runoff problem. Water from the adjacent open space flooded into the subject's backyard and basement. A retaining wall was installed to redirect the water. The moat-like retaining wall has solved the problem at a cost of \$15,000.00.

Petitioners also presented 72 Golden Eagle Lane, which sold April 12, 2005 for \$847,500.00, has a walk out basement, and sits on 0.66 acres. This property has many amenities that the subject does not have.

Petitioners' witness, Beth Lobdell, realtor in the area, testified about the amenities of the subject property in relationship to sales in the area. The subject backyard is small and not functional for a family with children.

Petitioners are requesting a 2008 actual value of \$747,000.00 for the subject property.

Respondent presented an indicated value of \$885,000.00 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sales price from \$825,200.00 to \$920,000.00 and in size from 3,782 to 3,846 square feet. After adjustments were made, the sales ranged from \$824,500.00 to \$925,000.00. Adjustments were made for time and concessions, age, baths, finished/unfinished living area, and other amenities.

Respondent assigned an actual value of \$805,990.00 to the subject property for tax year 2008.

Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2008.

Petitioners did not make adjustments for differences between the subject and their comparables sales. The Board is required to use comparables sales that occurred in the applicable time period of January 1, 2005 through June 30, 2006. Petitioners were concerned as to the actual value assigned to a bedroom. Respondent did not adjust for bedroom count, but rather adjustments were made for the total living area.

Adjustments were made to the comparable sales used by Respondent for the differences between the sales and the subject property. The Board believes that the sales used by Respondent are more comparable to the subject than the unadjusted sales used by Petitioners.

The Board concurs with Respondent's 2008 actual value of \$805,990.00 assigned to the subject property.

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 March 2010.

BOARD OF ASSESSMENT APPEALS

Karen E Hart

Karen E. Hart

Diane M DeVries

Diane M. DeVries

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

Heather Flannery

Heather Flannery

