

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner: WOLF R. SCHUMACHER,</p> <p>v.</p> <p>Respondent: JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 53071</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on April 13 2010, Louesa Maricle and Debra A. Baumbach presiding. Petitioner appeared pro se. Respondent was represented by Writer Mott, Esq. Petitioner is protesting the 2009 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**34086 Cactus Drive, Evergreen, Colorado
Jefferson County Schedule No. 073448**

The subject property is a frame two-story residence constructed in 1978, and situated on a 5.020 acre lot located in Greystone Estates Subdivision. There are 3,081 square feet of living area with a 1,384 square foot unfinished walkout basement. There are three bedrooms, three bathrooms, a fireplace, hot water baseboard heat, and a two car garage. The subject is on well and septic system.

Based on a qualitative analysis, Petitioner presented an indicated value of \$720,000 for the subject property. Petitioner considered Respondent’s Sale 3 to derive a value for the subject property. This sale was most similar to the subject property in physical characteristics.

Mr. Shumacher testified the subject has well and septic system and not public water and sewer. The subject has some updating.

Mr. Shumacher testified he believes that Respondent did not appropriately adjust the comparable sales for differences in physical characteristics. Petitioner believes the market recognizes a value difference between city water and well water. Tap fees in the area run approximately \$47,000.00 and this is reflected in the sales prices.

Additionally, Respondent did not make an adjustment for location and topography. Several of the market areas that Respondent utilized for comparable sales have superior locations and are considered more desirable areas reflecting higher value ranges.

Petitioner is requesting a 2009 actual value of \$720,000.00 for the subject property.

Respondent's witness, Stephen C. DeBell, a Certified Residential Appraiser with Jefferson County Assessor's office, presented three comparable sales ranging in price from \$665,000.00 to \$838,000.00 and in size from 2,539 to 3,397 square feet. After adjustments were made, the sales ranged from \$767,000.00 to \$896,100.00.

Respondent's witness testified the comparable sales selected are considered to be the most similar in size, style, quality, and market appeal. Adjustments were made for all differences in physical characteristics, views, topography, and land size.

The adjustments made for differences were based upon regression analysis to extract specific adjustments. There were no adjustments made for differences between city water and sewer versus well and septic.

Respondent assigned an actual value of \$776,930.00 for the subject property for tax year 2009.

Petitioner presented sufficient probative evidence and testimony to prove that the tax year 2009 valuation of the subject property was incorrect.

The Board agrees the subject's market area is highly diverse in size, style, quality, and market appeal. Respondent made adjustments for differences in physical characteristics. However, the Board is not convinced Respondent's adjustments for differences in views, topography, and land size were well supported through the market data that was presented. The Board is convinced the market is going to recognize a difference between those sites with city water and sewer versus well and septic. Therefore, the Board removes the adjustments for views and topography. The Board concludes the differences are offset by the subject's lack of city water and sewer. The Board gives weight to Comparable Sale 3 for a concluded value of \$755,000.00

The Board concludes that the 2009 actual value of the subject property be reduced to \$755,000.00.

ORDER:

Respondent is ordered to reduce the 2009 actual value of the subject property to \$755,000.00.

The Jefferson County Assessor is directed to change his/her records accordingly.

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.

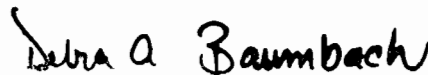
Section 39-8-108(2), C.R.S.

DATED and MAILED this 17th day of June 2010.

BOARD OF ASSESSMENT APPEALS

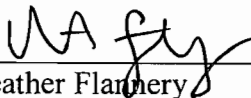


Louesa Maricle



Debra A. Baumbach

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



Heather Flannery

