

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>KAREN GUTHRIE,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 53103</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on March 17, 2010, Diane M. DeVries and Lyle D. Hansen presiding. Petitioner appeared pro se. Respondent was represented by James Burgess, Esq. Petitioner is protesting the 2009 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**23721 Tesuque Road, Indian Hills, Colorado
Jefferson County Schedule No. 203602**

The subject property consists of a two-story frame single-family residence built in 1978. The residence has a total gross living area above grade of 2,200 square feet with a 1,022 square foot walkout basement that is 70% finished. There is an attached garage, wood deck, three bedrooms, four bathrooms, two fireplaces, and a wood stove. The residence is situated on a 2.176 m/l acre site.

Petitioner testified that the subject was a rental property and that the tenants were evicted after substantial damage had been done to the building improvements. Petitioner testified that the appliances, fireplace box, every floor covering, every door, walls, and yard improvements were destroyed. The former tenants left trash and debris on the property. Interior damage included removal of drywall in two rooms, studs, appliances, and kitchen cabinets. Petitioner testified that she had sought bids from contractors to renovate the improvements and that 95% of them refused to accomplish the work because of the extensive damage that exists. Petitioner testified that she, as a real estate broker, would find it difficult to market the property for sale in its existing condition and

that it would be difficult to find comparable sales. Petitioner testified that she had assembled cost estimates from various sources to renovate the property. The total cost estimate presented by Petitioner was \$117,035.00.

Petitioner presented no comparable sales and did not provide an appraisal to support her estimate of market value.

Petitioner is requesting a 2009 actual value of \$200,000.00 for the subject property.

Respondent presented an indicated value of \$380,000.00 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sales price from \$312,000.00 to \$361,900.00 and in size from 1,934 to 2,324 square feet. After adjustments were made, the sales ranged from \$361,901.00 to \$405,500.00.

Respondent assigned an actual value of \$378,120.00 to the subject property for tax year 2009.

Respondent's appraiser, Mr. Stephen DeBell testified that he was unable to accomplish an interior inspection of the subject property and was not aware of the interior condition. Mr. DeBell testified that, with the additional information he received through the evidence and testimony from Petitioner, a downward adjustment for condition would be warranted. He testified that the downward adjustment could be between 15% and 20% of the sale price.

Sufficient probative evidence and testimony was presented to prove that the subject property was incorrectly valued for tax year 2009.

The Board concluded that a downward adjustment of 20% is warranted for the adverse condition of the subject. The adjusted sale prices of Respondent's three comparable sales after the downward 20% adjustment were: Comparable Sale 1 - \$301,221.00; Comparable Sale 2 - \$310,100.00; Comparable Sale 3 - \$334,320.00. The Board concluded the value at \$300,000.00 from the lower portion of the adjusted price range to reflect the adverse condition of the subject property.

The Board concluded that the 2009 actual value of the subject property should be reduced to \$300,000.00.

ORDER:

Respondent is ordered to reduce the 2009 actual value of the subject property to \$300,000.00.

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).

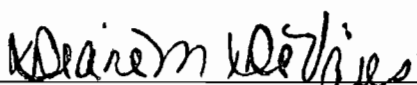
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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.

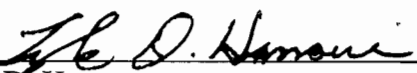
Section 39-8-108(2), C.R.S.

DATED and MAILED this 24th day of May 2010.

BOARD OF ASSESSMENT APPEALS



Diane M. DeVries



Lyle B. Hansen

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



Heather Flannery

