

<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>DONALD CHAD GOLDY,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>JEFFERSON COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 53542</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on January 14, 2011, James R. Meurer and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by Martin E. McKinney, Esq. Petitioner is protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**10620 West 106<sup>th</sup> Place, Westminster, Colorado  
Jefferson County Schedule No. 133718**

The subject property is a 1,034 square foot two story house with basement and garage built in 1975. Tenant occupied, it is located on a 0.120 acre site in the Countryside subdivision.

Petitioner is requesting an actual value of \$148,086.00 for the subject property for tax year 2009. Respondent assigned a value of \$159,840.00.

Mr. Goldy testified that his 2009 actual value decreased by only 2.86% in contrast to greater declines per the following data: Denver home values declined by 5.4% from September of 2007 to September of 2008 (Rocky Mountain News), a composite of home values declined by 17.4% (Case-Shiller Index), the national median existing home price fell 11.3% from October of 2007 to October 2008 (National Association of Realtors), and sales prices declined nationally 26% from 2006 to 2008 (Neil Cavuto show).

Mr. Goldy expressed frustration with the appeal system, notably different comparable sales used at the various appeal levels. He presented an assessor-provided list of sales within the extended twenty-four month base period, noting that his comparable sales were not included.

Petitioner presented three comparable sales that sold in the base period; the fourth was not considered because of its 2010 sale date. The three ranged in sale price from \$145,000.00 to \$155,000.00 and in size from 1104 to 1152 square feet. No adjustments were made to the sales.

Petitioner considered a 10% reduction in actual value from the prior tax year to be consistent with local and national home sales' decline. His requested value of \$148,086.00 was based on a 10% reduction from the 2007 actual value of \$165,540.00.

Respondent presented an indicated value of \$164,500.00 for tax year 2009. The witness, William R. Stephens, Registered Appraiser, presented three comparable sales ranging in sale price from \$163,300.00 to \$189,900.00 and in size from 1034 to 1104 square feet. After adjustments for declining values, room count, and basement finish, the sales ranged from \$154,323.00 to \$175,607.00.

Respondent's witness responded to Petitioner's contention that his comparables were omitted from the assessor's list of sales by explaining that the list included only arm's length transactions and that all of Petitioner's sales were foreclosures or distress sales. He described Countryside as a tenant-based subdivision influenced by foreclosures but considered the majority of sales to have been arm's length transactions.

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

The Board is convinced that all of Petitioner's sales and one of Respondent's sales were foreclosure or distress sales. It also notes that Respondent's witness was unable to provide any arm's length transactions within the eighteen-month base period, rather selecting 2006 sales with considerably higher sales prices than all foreclosure sales presented by the parties. This suggests that foreclosures defined the market place in the subject subdivision during the base period.

In addition to Respondent's Sale 3, a foreclosure with an adjusted sales price of \$154,323.00, the Board made adjustments for sales concessions and garage differences to Petitioner's three foreclosure sales, concluding to an adjusted sales price range from \$143,650.00 to \$149,282.00. Without knowledge of physical condition or other pertinent information for additional adjustments, the Board concludes to a value of \$150,000.00 for the subject property.

The Board concludes that the 2009 actual value of the subject property should be reduced to \$150,000.00.

**ORDER:**

Respondent is ordered to reduce the 2009 actual value of the subject property to \$150,000.00

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.

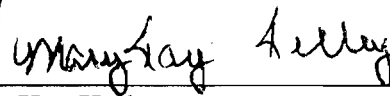
If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

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

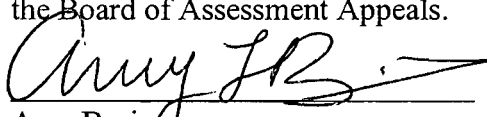
DATED and MAILED this 22 day of January 2011.

**BOARD OF ASSESSMENT APPEALS**

  
\_\_\_\_\_  
James R. Meurer

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

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

  
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Amy Bruins

