

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>CHRISTOPHER R. AND CECILIA LEWAND,</p> <p>v.</p> <p>Respondent:</p> <p>DENVER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 53626</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on June 2, 2011, Diane M. DeVries and James R. Meurer presiding. Petitioner, Christopher R. Lewand, appeared pro se on behalf of Petitioners. Respondent was represented by Max Taylor, Esq. Petitioners are protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**876 S. Gaylord Street, Denver, Colorado
Denver County Schedule No. 05144-13-010-000**

The subject is a two-story single-family detached house located in the Washington Park neighborhood of Denver. The house was constructed in 1925 and remodeled in 2006, contains 2,336 square feet above grade including three bedrooms and three baths, and has a 1,152 square foot partially finished basement. Site size is 6,240 square feet, and the property is served by public utilities. There is an oversized two-car detached garage.

Petitioners are requesting an actual value of \$710,000.00 for the subject property for tax year 2009. Respondent assigned a value of \$938,100.00 for the subject property for tax year 2009, but is recommending a reduction to the \$920,000.00.

Mr. Lewand presented six sales in the Washington Park neighborhood ranging from \$241.22 per square foot to \$388.52 per square foot with an average of \$303.97 per square foot. Mr. Lewand applied the \$303.97 average price per square foot to his property resulting in the indicated value of

\$710,000.00. Petitioner made no adjustments to the comparable sales for differences in economic or physical characteristics.

Mr. Lewand argued that Respondent did not use the most appropriate sales in the market approach and that the adjustments to those sales were not supportable. In addition, Mr. Lewand stated that the condition of the adjacent property to the north negatively impacted the value of his property. Mr. Lewand further argued that Respondent overstated the condition of the house in the appraisal, especially given that Respondent did not inspect the interior of the house.

Respondent presented a value of \$920,000.00 for the subject property based on the market approach.

Respondent's witness, Mr. Kenneth Drybread, a Certified Residential Appraiser, presented three comparable sales to support Respondent's opinion of market value. All three sales were the same style homes as the subject, located within the same neighborhood. The sales ranged in price from \$850,000.00 to \$879,000.00 and dates of sale ranged from February of 2007 to March of 2008. After adjustments for excellent condition, baths, living area square footage, basement square footage and finish, and garage, Respondent concluded to a value of \$920,000.00 for the subject property.

Respondent assigned an actual value of \$938,100.00 to the subject property for tax year 2009.

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

After careful consideration of the testimony and exhibits presented in the hearing, the Board concludes that Respondent's appraisal methodology, comparable sales, and adjustments to the sales are reasonable and supportable. Respondent's sales are all located in the Washington Park neighborhood; all are similar style houses requiring minimal adjustments, and all sold within the statutory base period. However, the Board does not concur with Respondent's opinion of the "excellent" condition for the property, especially since no interior inspection was accomplished. Respondent's positive condition adjustment of \$26,000.00 is eliminated from Respondent's presented value of \$920,000.00, resulting in a revised market value of \$894,000.00.

The Board concluded that the 2009 actual value of the subject property should be reduced to \$894,000.00.

ORDER:

Respondent is ordered to reduce the 2009 actual value of the subject property to \$894,000.00.

The Denver 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).

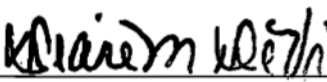
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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.

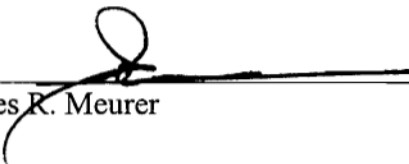
Section 39-8-108(2), C.R.S.

DATED and MAILED this 7th day of June 2011.

BOARD OF ASSESSMENT APPEALS



Diane DeVries



James R. Meurer

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



Amy Bruins