

<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>SCOTT F. AND ANN V. APPEL,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>JEFFERSON COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 54575</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on January 6, 2011, Debra A. Baumbach and Karen E. Hart presiding. Mr. Scott F. Appel appeared pro se on behalf of Petitioners. Respondent was represented by Writer Mott, Esq. Petitioners are protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**14201 Broadview Circle, Littleton, Colorado 80127  
Jefferson County Schedule No. 124207**

The subject property consists of a single family residence located southeast of Conifer in the Three Peaks subdivision. The residence is a wood frame, one and one half story design and was built in 1978. There is a total of 1,694 square feet with 1,043 located on the main level and 651 square feet located on the upper level. There are two bedrooms and two bathrooms, a fireplace, a detached two car garage and a 1,008 square foot unfinished walk-out basement. The site size is 20.13 acres consisting of two legal building sites.

Petitioners are requesting an actual value of \$370,000.00 for the subject property for tax year 2009. Respondent assigned a value of \$495,000.00 for the subject property for tax year 2009 but is recommending a reduction to \$466,100.00.

Petitioners' witness, Mr. G. John Wimmer, Certified Residential Appraiser, presented three comparable sales ranging in sale price from \$240,000.00 to \$450,000.00 and in size from 1,045 to 2,216 square feet. After adjustments were made, the sales ranged from \$331,900.00 to \$402,500.00.

Mr. Wimmer testified he performed an appraisal on the subject property in 2007 for the purpose of establishing market value for a potential purchase. The appraisal was done with lending standards applied and not for ad valorem. The comparable sales used were selected based on the criteria of similar location, acreage, utility, views, and other similar physical characteristics. Adjustments were made for differences in physical characteristics and based on experience and market extraction.

Petitioners' witness testified that adjustments for land size difference were adjusted at \$2,500 per acre and derived from vacant land sales occurring within the base period. Access, utility, view and topography were considered in the adjustment. Petitioners emphasized the importance of using the utility of land because, for example, a site that is twice the size does not necessarily equate to twice the value. The residence was rated as average for lending purposes; however, the property is in below-average condition. The final value conclusion of \$390,000.00 was supported through market data.

Petitioners' witness, Mr. Appel, testified the subject property is located next door to his main residence and was purchased from his neighbor during the base period for \$400,000.00. The residence was purchased in poor condition with a high degree of deferred maintenance. There are numerous items that need to be replaced and repaired with cost estimates being up to \$30,000.00. Mr. Appel contends there are discrepancies in Respondent's valuation with the largest adjustment being made for land size difference. Respondent has not given adequate consideration to the condition of the property and has not adjusted the differences in land size appropriately.

The market area has been in decline and does not support a value conclusion much higher than the purchase price.

Petitioners are requesting a 2009 actual value of \$370,000.00.00 for the subject property.

Respondent presented a value of \$490,100.00 for the subject property based on the market approach.

Respondent's witness, Ms. Cary Lindeman, Certified Residential Appraiser, presented four comparable sales ranging in sale price from \$375,000.00 to \$525,000.00 and in size from 1,272 to 1,987 square feet. The land area ranged from 10.043 acres to 11.400 acres. After adjustments were made, the sales ranged from \$442,300.00 to \$520,900.00.

Ms. Lindeman testified there was a request made to inspect the subject property, but that request was not granted. Information regarding the property was provided by Petitioners. The subject is reported to be a one and one half story frame construction consisting of 1,694 square feet. The balcony was removed from the property record card due to its poor condition. Comparable sales were selected based on location and acreage, and the witness tried to bracket all similar characteristics. Adjustments were made for all factors affecting the property's value. Mr. Appel

contends the adjustments made for land size and view differences were aggressive and not supported by the market data. All of the adjustments were based on regression analysis and land sales to conclude to market adjustments. The adjustments were considered reasonable and provided a reliable range by which to base a valuation. After Mr. Appel's testimony, it was determined that further consideration should be given to the condition and deferred maintenance items, and Respondent is recommending a further reduction to \$466,100.00.

Respondent assigned an actual value of \$495,100.00 to the subject property for tax year 2009 but is recommending a reduction to \$466,100.00

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

Although Respondent requested a further reduction after Mr. Appel's testimony, the Board was convinced further consideration should be given for factors affecting the subject property and should be valued at the lower end of the market range. The Board was convinced Petitioners purchased the subject property slightly, but not substantially, below market value to indicate such a high value. Additionally, the Board concluded, based on the degree of deferred maintenance, that the pool of potential buyers would be affected by their ability to obtain financing.

The Board was not convinced Petitioners' witness adequately adjusted for land size differences. The land sales he used to derive his adjustments indicated a higher range than what was used. The Board placed most weight on Respondent's adjustments for land size differences but was not convinced adjustments for differences in condition and other physical characteristics were adequately adjusted.

The Board relied on Petitioners' Sale 3 because it was similar in land size, requiring no adjustment for land size differences, and on Respondent's Sale 3 because it required the least number of adjustments, for an indicated value of \$442,000.00.

The Board concluded that the 2009 actual value of the subject property should be reduced to \$ 442,000.00.

**ORDER:**

Respondent is ordered to reduce the 2009 actual value of the subject property to \$442,000.00.

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 4 day of February 2011.

**BOARD OF ASSESSMENT APPEALS**

Karen E. Hart  
Karen E. Hart

Debra A. Baumbach  
Debra A. Baumbach

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

Amy L. Bruins  
Amy Bruins

