

<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>RICHARD K. LOVELACE,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>JEFFERSON COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 56736</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on June 10, 2011, MaryKay Kelley and Sondra W. Mercier presiding. Petitioner appeared pro se. Respondent was represented by Writer Mott, Esq. Petitioner is protesting the 2010 actual value of the subject property.

Subject property is described as follows:

**12682 S. Maxwell Hill Road, Littleton, Colorado  
Jefferson County Schedule No. 201260**

The subject property consists of a single-family, ranch style home with 3,113 square feet of living area on the main level. The home was completed in 2000 and sits on a 35.686-acre site. Access to the property requires travel on a private dirt road, which requires both an easement across private property and a ten-year renewable lease from the Colorado Board of Land Commissioners.

Petitioner is requesting an actual value of \$369,965.00 for the subject property for tax year 2010. Respondent assigned a value of \$609,620.00 for the subject property for tax year 2010 but is recommending a reduction to \$580,000.00.

Petitioner presented three comparable sales ranging in sale price from \$305,000.00 to \$633,200.00 and in size from 1,237 to 3,531 square feet. Petitioner applied a cost analysis to the comparable sales to conclude to a value of \$369,965.00 for the subject.

Petitioner contends that the sale of 14224 Majestic Eagle provides the best indication of value for the subject residence. The subject is classified and valued as agricultural land. Petitioner contends that Respondent failed to adequately adjust for the legal issues surrounding access to his property.

Petitioner is requesting a 2010 actual value of \$369,965.00 for the subject property.

Respondent presented a value of \$580,000.00 for the subject property based on the market approach.

Respondent's witness, Ms. Cary Jane Lindeman, Certified Residential Appraiser with the Jefferson County Assessor's Office, presented four comparable sales ranging in sale price from \$582,000.00 to \$875,000.00 and in size from 2,803 to 3,531 square feet. After adjustments were made, the sales ranged from \$514,760.00 to \$912,940.00. Respondent placed the greatest reliance on Comparable Sales 1, 2, and 3, which provided an adjusted indication of value for the subject ranging from \$514,760.00 to \$634,710.00. The first three sales are residential properties, with Comparable Sale 3 being at 14224 Majestic Eagle. Comparable Sale 4 represents an agricultural property with an adjusted value of \$912,940.00, which is much greater than the value placed on the subject.

Ms. Lindeman indicated that adjustments for locational issues such as access, views, exposure and trees can be applied to residential sites but are not appropriate for agriculturally used sites.

Respondent assigned an actual value of \$609,620.00 to the subject property for tax year 2010.

Petitioner presented insufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2010. Petitioner's use of a modified cost analysis, as applied to comparable sales, provided an unreliable indication of the value of the subject. Although Petitioner indicated that an adjustment should be made for access issues, Petitioner provided insufficient market data to quantify a supportable adjustment.

Sufficient probative evidence and testimony was presented to prove that the subject property should be set at Respondent's recommended reduced value.

The Board finds that the 2010 actual value of the subject property should be reduced to \$580,000.00.

**ORDER:**

Respondent is ordered to reduce the 2010 actual value of the subject property to \$580,000.00

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 24 day of June 2011.

**BOARD OF ASSESSMENT APPEALS**

MaryKay Kelley  
MaryKay Kelley

Sondra W. Mercier  
Sondra W. Mercier

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

Amy Bruins  
Amy Bruins

