

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**
1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 57700

Petitioner:

MARK B. RANDS,

v.

Respondent:

ADAMS COUNTY BOARD OF EQUALIZATION.

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on November 1, 2011, Debra A. Baumbach and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by Doug Edelstein Esq. Petitioner is protesting the 2011 actual value of the subject property.

Subject property is described as follows:

**9191 Nagel Drive, Thornton, Colorado
Adams County Schedule No. R0052527**

The subject is a 1,176 square foot brick ranch with a carport and two-car garage. It was built in 1954 on a 6,500 square foot lot.

Petitioner is requesting an actual value of \$91,500.00 for the subject property for tax year 2011. Respondent assigned a value of \$100,000.00.

Mr. Rands described structural settlement due to bentonite in the soil, a 25-year-old furnace, original windows, a dated kitchen, non-functional master bathroom, old flooring in poor condition, interior cracks, original and de-laminating paneling, laundry and utility room mold, door molding damage, paneling and gravel driveway. Photographs accompanied testimony.

Mr. Rands presented fifty-one sales, all located within one mile of the subject and all with the same square footage. Eliminating the last five sales due to extensive refurbishing, he presented the average of the remaining forty-six at \$91,500.00, requesting this value for tax year 2011.

Respondent presented an indicated value of \$142,000.00 based on the market approach. Respondent's witness, Susan Schilling, Certified General Appraiser, presented six comparable sales ranging in sale price from \$143,100.00 to \$154,000.00. After adjustments were made, including 8% for physical condition and remodeling, the sales ranged from \$131,520.00 to \$145,028.80.

Ms. Schilling was not granted an interior inspection. She accepted Petitioner's description of the home's condition but was unable to address structural defects caused by bentonite without visual confirmation.

Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2011.

Petitioner's method of deriving value by averaging sales prices is contrary to accepted appraisal practice and is given little weight by the Board.

The Board is convinced that the subject is in below-average condition. It does not consider Respondent's sales to be comparable to the subject, and Respondent's 8% adjustments for remodeling/condition are considered inadequate.

The Board is persuaded that the subject should be compared to properties in similar condition. It reviewed MLS data provided by Petitioner that meets the following criteria; base period sales, arm's length transactions without foreclosure impetus, and homes in average or below-average condition without remodeling. The following three were selected:

9250 Myrna Place No garage.	August 14, 2009	\$86,450.00
1241 Carrol Court \$3,789 in concessions, no garage, new windows.	January 8, 2009	\$91,900.00
9300 Myrna Place Better condition, two-car garage and two-car carport. Subsequently remodeled and resold for \$145,700.00 net.	May 5, 2009	\$105,000.00

After adjustments for sales concessions, garage, and miscellaneous differences, the Board concluded to a value of \$95,000.00.

The Board concluded that the 2011 actual value of the subject property should be reduced to \$95,000.00.

Respondent is ordered to reduce the 2011 actual value of the subject property to \$95,000.00

The Adams County Assessor is directed to change their records accordingly.

APPEAL:

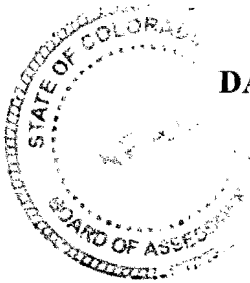
If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five 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 10th day of November, 2011.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach

Debra A. Baumbach

MaryKay Kelley

MaryKay Kelley

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

Milla Crichton
Milla Crichton