

<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>JOHN W. SEIPLE III,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>DENVER COUNTY BOARD OF COMMISSIONERS.</b></p>	<p><b>Docket No.: 58211</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on January 26, 2012, Debra A. Baumbach and Diane M. DeVries presiding. Petitioner, Mr. John W. Seiple, appeared pro se. Respondent was represented by Charles Solomon, Esq. Petitioner is requesting an abatement/refund of taxes on the subject property for tax year 2010.

Subject property is described as follows:

**2438 Federal Boulevard, Denver, Colorado  
Denver County Schedule No. 02321-08-004-000**

The subject property consists of a single family residence built in 1886; the residence is in average condition with a 1,838 square foot main living area and a 545 square foot basement, five bedrooms and two bathrooms. The residence is located in Jefferson Park, Denver, Colorado on a 6,132 square foot lot. The subject property is located on Federal Boulevard. The lot is 35 feet wide and 175 feet deep. Site zoning is R-3.

The parties agreed to incorporate the testimony from dockets 58497 and 58498 as part of this hearing.

Petitioner is requesting an actual value of \$200,000.00 for the subject property for tax year 2010. Respondent assigned a value of \$282,100.00 for the subject property for tax year 2010 but is recommending a reduction to \$254,900.00.

Petitioner presented seven comparable sales ranging in sale price from \$160,000.00 to \$315,000.00 and in size from 1,311 to 1,861 square feet. After adjustments were made, the sales ranged from \$144,000.00 to \$291,000.00.

Petitioner testified that he purchased the subject property on May 7, 2010 for \$169,150.00. This purchase is a post base period sale. Petitioner's son lives on the property. According to Petitioner, the property is in average condition. Petitioner testified that the subject property has an easement allowing neighbors to park on the subject property.

Respondent presented a value of \$254,900.00 for the subject property based on the market approach. Respondent is recommending a reduction to \$254,900.00.

Respondent presented three comparable sales ranging in sale price from \$270,000.00 to \$325,000.00 and in size from 1,670 to 1,913 square feet. After adjustments were made, the sales ranged from \$235,465.00 to \$271,825.00.

Respondent's witness, Mr. Timothy K. Muniz, Certified General Appraiser with the Denver County Assessor's Office, testified that he made adjustments for concessions, location, site size, condition, square footage, basement square footage, heating and garage. All comparable sales were in the Jefferson Park area and located 0.15 to 1.31 miles away from the subject property. All sales were arms-length transactions.

Respondent assigned an actual value of \$282,100.00 to the subject property for tax year 2010 but is recommending a reduction to \$254,900.00.

Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2010.

The Board agrees with Respondent that arms-length transaction should be used in determining the market value. Foreclosure sales do not dominate the market in the subject's neighborhood. Many of Petitioner's sales were foreclosure sales. Respondent made substantial adjustments to the comparable sales to account for the subject's location on Federal Boulevard and the easement that allows neighbors to park their cars on the subject property.

Respondent properly applied the Colorado State Statutes, Division of Property Taxation Guidelines and Colorado case law in valuing the subject property for tax year 2010. Respondent appropriately used the sales comparison approach utilizing sales that occurred between January 1, 2007 and June 30, 2008. Petitioner purchased the subject property after the base period and after the subject property was no longer classified as a foreclosure.

The Board agrees with Respondent's recommended reduction in subject's value for tax year 2010 to \$254,900.00.

**ORDER:**

Respondent is ordered to reduce the 2010 actual value of the subject property to \$254,900.00. 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 for assessment of the county wherein the property is located, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provision 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 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 for assessment of the county in which the property is located, Respondent may petition the Court of Appeals for judicial review of such questions.

Section 39-10-114.5(2), C.R.S.



**DATED and MAILED** this 22<sup>nd</sup> day of February, 2012.

**BOARD OF ASSESSMENT APPEALS**

*Debra A. Baumbach*

Debra A. Baumbach

*Diane M. DeVries*

Diane M. DeVries

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

*Milla Crichton*  
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Milla Crichton