

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**

1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 59120

Petitioner:

JANET L. MONSON,

v.

Respondent:

**JEFFERSON COUNTY BOARD OF
EQUALIZATION.**

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on March 5, 2012, Gregg Near and James R. Meurer presiding. Petitioner, Ms. Janet L. Monson, appeared pro se. Respondent was represented by Casie Stokes, Esq. Petitioner is protesting the 2011 actual value of the subject property.

The property is described as follows:

**2600 Willow Lane, Lakewood, Colorado 80215
Jefferson County Schedule No. 031786**

The property consists of a 2,176 gross square foot commercial building that was built in 1958. The structure was originally constructed as a single-family residential home and subsequently converted to commercial. The building contains 1,148 square feet above grade plus a walkout lower level containing 1,028 square feet and is frame construction with a metal roof. There are three entrances to the building. The rentable square footage for the building was calculated at 1,662 square feet and includes the main level and 50% of the walkout level. The lower level was fully finished as of the date of valuation. Historically, the upper level was occupied by a tenant and the lower level was owner occupied. Site size is 16,117 square feet or 0.370 acres and site improvements consist of approximately 4,000 square feet of asphalt paving, a 750 square foot concrete pad, and landscape. The subject is reported to be in overall average condition.

Petitioner is requesting an actual value of \$150,000.00 for the subject property for tax year 2011. Respondent assigned a value of \$265,100.00 for the subject property for tax year 2011.

Ms. Monson presented three comparable sales to support her opinion of value. All of the sales were residential properties converted to commercial and located in eastern Jefferson County. Sale prices ranged from \$76.63 to \$100.00 per square foot. Petitioner made no adjustments to the sales and reconciled to an average value of \$86.06 per square foot for the subject.

Ms. Monson testified that the appraisal provided by Respondent was inaccurate and mischaracterized the property. Ms. Monson further testified that the official development plan limited the use for the subject and that location, access, and visibility of the building were inferior to other retail properties.

Respondent's witness, Ms. Darla Jaramillo, a Certified General Appraiser with the Jefferson County Assessor's Office, considered all three approaches to value; however, only developed the market (sales comparison) approach. Ms. Jaramillo presented four comparable sales to support her opinion of value. All of the sales were located in eastern Jefferson County and sale prices ranged from \$132.15 to \$202.38 per square foot prior to adjustments and \$158.59 to \$212.50 per square foot subsequent to adjustments. Sale No. 4 occurred in 2010 and the remaining sales occurred in 2008. The significant adjustments to the sales consisted of location, gross building area, condition, and site size. All of the sales were given equal weight in the conclusion of final value of \$299,160.00 or \$180.00 per rentable square foot. Ms. Jaramillo testified that Petitioner's comparables were in poor condition and all required significant remodel subsequent to purchase.

Although the appraised value is \$299,160.00, Respondent is supporting the assigned value of \$265,100.00.

Respondent presented sufficient probative evidence and testimony to prove that the tax year 2011 valuation of the subject property was correct.

Colorado case law requires that "[Petitioner] must prove that the assessor's valuation is incorrect by a preponderance of the evidence. . ." *Bd. of Assessment Appeals v. Sampson*, 105 P.3d 198, 204 (Colo. 2005). After careful consideration of the testimony and exhibits presented at the hearing, the Board concludes that Respondent's comparable sales and adjustments to the sales accurately reflect the market value for the subject property. The Board further concludes that the issues raised by Petitioner relative to location, access, and visibility of the subject building have been recognized in the assigned value.

ORDER:

The petition is denied.

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.

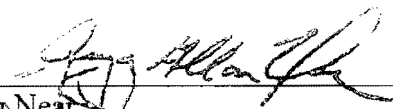
If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

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

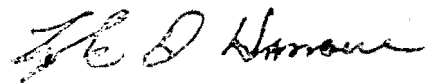
DATED and MAILED this 13th day of March, 2012.



BOARD OF ASSESSMENT APPEALS




Gregg Near



James R. Meurer

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



Milla Crichton