

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>DOUGLAS H. WEGENER,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 59171</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on May 7, 2012, Diane M. DeVries and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by Writer Mott, Esq. Petitioner is protesting the 2011 actual value of the subject property.

Subject property is described as follows:

**5 Jay Street, Lakewood, Colorado
Jefferson County Schedule No. 060958**

The subject is a 1,342 square foot brick ranch with basement and garage. It was built in 1978 on a 0.221 square foot site.

Respondent assigned a value of \$205,000.00 for tax year 2011. Petitioner is requesting a value of \$160,000.00.

Petitioner purchased the subject property on July 16, 2009 for \$160,000.00. Mr. Wegener, while acknowledging it was a short sale, considered it to be an arm's length. As it was transacted during the base period, he considered it to be the best indicator of value.

In support of the subject's purchase price, Mr. Wegener presented four comparable sales ranging in sale price from \$129,700.00 to \$169,900.00 and in size from 1,236 to 1,375 square feet. He made no adjustments to the sales, offering them in support of his requested value.

Mr. Wegener described the physical condition of the property at time of purchase and subsequent maintenance; glass in seven broken windows was replaced, five basement windows were replaced, a hole in the kitchen ceiling was repaired, carpet was replaced, damaged kitchen floor tile was replaced, a tree was removed, and the fence was secured. All work was completed prior to the January 1, 2011 assessment date. He described basement finish as poor and unlivable.

Respondent presented a value of \$205,000.00 for the subject property based on the market approach. Respondent's witness, Patty Jo White, Certified Residential Appraiser, without benefit of an interior inspection, presented three comparable sales ranging in sale price from \$180,000.00 to \$198,000.00 and in size from 1,218 to 1,488 square feet. After adjustments were made, the sales ranged from \$191,500.00 to \$213,600.00. Sales 1 and 2 were given most weight.

Respondent declined use of the subject property's sale, because it was a "short sale" reflecting the mortgage balance and not considered an arm's length transaction.

Ms. White discussed Petitioner's four sales; two were foreclosures, two had no basements, and two had no garages. She considered her sales, all of which were arm's length transactions with basements and garages, to be better indicators of value.

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

The Board considers Respondent's market analysis to be a reliable indicator of value; its comparable sales are similar to the subject, and all have basements and two-car garages.

The Board notes that large positive adjustments were made to all sales and that the subject's indicated value of \$205,000.00 is markedly higher than sale prices (between \$7,000.00 and \$25,000.00).

The Board is persuaded that the subject's basement finish is poor and does not contribute to value; re-calculation of basement finish is considered appropriate. Also, garage adjustments appear excessive; all comparable sales have two-car bays as does the subject, and its additional square footage was adjusted from \$3,900.00 to \$5,700.00, arguable in this older neighborhood of small homes.

The Board also notes Respondent's estimate that approximately 30% of homes in the subject's immediate neighborhood were foreclosures, and two of Petitioner's four comparables were foreclosures. Respondent's analysis of market conditions and time trending was performed on a considerably larger area with a wide range of sizes, construction quality, and values. The subject's immediate neighborhood reflects the older, smaller end of the spectrum, and a two-tiered market or value decline might have existed within its parameters. However, without analysis, additional adjustments are unwarranted.

Re-calculation of basement finish indicates an adjusted value range from \$187,000.00 to \$205,800.00. In order to address the aforementioned issues (market conditions and garages), value at the lower end of the range is considered appropriate.

The Board concluded that the 2011 actual value of the subject property should be reduced to \$190,000.00.

ORDER:

Respondent is ordered to reduce the 2011 actual value of the subject property to \$190,000.00.

The Jefferson 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 14th day of May, 2012.

BOARD OF ASSESSMENT APPEALS

Diane M DeVries

Diane M. DeVries

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

