

<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>TRACY MATTHEWS,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>JEFFERSON COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 59467</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on July 18, 2012, Diane M. DeVries and Amy J. Williams presiding. Mr. Tracy Matthews appeared pro se. Respondent was represented by Mr. Writer Mott, Esq. Petitioner is protesting the 2011 actual value of the subject property.

Subject property is described as follows:

**441 S. Holland Court, Lakewood, Colorado 80226  
Jefferson County Schedule No. 075955**

The subject property consists of a single family residence constructed in 1972. The residence is a ranch style home with 1,585 square feet of above grade living area and 1,585 square feet of basement. The subject includes three bedrooms, one full bath, one ¾ bath and one half bath; the lot size is 0.172 acres.

Petitioner is requesting a value of \$140,000 for the subject property for tax year 2011. Respondent assigned a value of \$240,000 for tax year 2011.

Petitioner testified that the condition of his home is inferior to the condition represented by Respondent, as well as inferior to the comparables selected by Respondent. Petitioner played a video walk-through of the interior of his home, both showing and testifying to the interior condition which included lack of flooring, gutted bathrooms, unfinished kitchen and damaged roof. Petitioner testified the basement is also unfinished. Mr. Matthews further testified that the video was taken in

2012 prior to the BAA hearing, but that the condition of the subject is unchanged since the date of assessment, January 1, 2011.

Petitioner presented cost figures outlining the expenditures necessary to finish the home. The costs to complete the home, as presented by Mr. Matthews, are as follows:

Kitchen Remodel -	\$41,160
Bathroom Completion -	\$10,219
Bathroom x two -	\$20,438
Roof Replacement -	\$11,093
Carpet Installation -	\$ 7,044
Hardwood Floor Installation -	<u>\$ 8,415</u>
Total	\$98,369

Petitioner testified that based upon the estimated cost to complete the home of \$98,369, he is requesting a \$100,000 reduction in value, or an overall value of \$140,000.

Ms. Michelle Golgart, Certified Residential Appraiser employed by the Jefferson County Assessor's Office, testified for Respondent. Ms. Golgart testified that all three approaches to value were considered, but only the Sales Comparison Approach was applicable. Ms. Golgart testified that she did not inspect the interior of the subject but rather relied upon a previous inspection performed in May of 2010 by Ms. Patty White. Within the Sales Comparison Approach, Ms. Golgart presented three sales. She then testified to the adjustments made to each sale. Of note was a deduction of \$6,600 from each sale to account for 240 square feet of unfinished living area within the subject. Respondent concluded to a market value of \$240,000 for the subject property.

Ms. Patty White was called to testify next. Ms. White, a Certified Residential Appraiser employed by the Jefferson County Assessor's Office, testified that she viewed the subject property's interior and exterior in May of 2010. She testified that the condition as presented in the video by Petitioner was similar to the condition of the property when viewed by her.

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

Considering the condition of the property, the Board finds a \$6,600 deduction for only 240 square feet of unfinished living area to be extremely inadequate. While the costs presented by Mr. Matthews could be argued to be higher or lower relative to finishing the interior remodel of his residence, they are considered reasonable based upon the evidence presented and the testimony of both Petitioner and Respondent witnesses. The \$100,000, rounded, remodel cost estimate is determined to better represent the adjustment necessary to the three sales to account for the variation in condition of the subject as compared to the comparables. All of the comparables utilized were in livable condition, which the subject is not.

**ORDER:**

The Petition is granted. The Jefferson County Assessor is directed to adjust the value of the subject property to \$140,000 for tax year 2011.

**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).

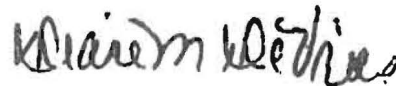
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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 6th day of August, 2012.

**BOARD OF ASSESSMENT APPEALS**



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Diane M. DeVries



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Amy J. Williams

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

  
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Milla Crichton

