

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>LARRY DECICCO,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 68257</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on May 27, 2016, Gregg Near and Amy J. Williams presiding. Petitioner appeared pro se. Respondent was represented by Casie Stokes, Esq. Petitioner is protesting the 2015 actual value of the subject property.

The parties stipulated to the admission of Petitioner’s Exhibit 1 and Respondent’s Exhibit A.

The subject property is described as follows:

**7700 W. Glasgow Place 21D
Littleton, Colorado 80128
Jefferson County Account No. 105781**

The subject property is a 732 square foot ranch style, two bedroom, one bath townhouse constructed in 1973. There is a 200 square foot attached garage.

Petitioner is requesting an actual value of \$78,000 for the subject property for tax year 2015. Respondent assigned a value of \$111,900 for the subject property for tax year 2015, but is recommending a reduction to \$111,700.

Mr. DeCicco testified that he purchased the townhome unit sight unseen. He stated that this unit is the smaller of the end units within the complex; all D units within the project being end units. The property, at time of purchase, was in poor condition with broken appliances, dirty carpets and

stained walls. The property took two months to renovate. Mr. DeCicco provided five sales in support of his requested value:

- Schedule No. 1050781 (subject) - Sold 5/23/14 for \$110,100
- Schedule No. 105717 - Sold 8/10/14 for \$71,659
- Schedule No. 105737 - Sold 9/21/12 for \$89,000
- Schedule No. 105741 - Sold 9/19/14 for \$126,000
- Schedule No. 105773 - Sold 12/29/11 for \$80,000

During cross examination by Ms. Stokes, Respondent's attorney, Petitioner stated that the property had been under contract for approximately one month prior to closing on May 23, 2014. He indicated that the appliances were replaced and that four new sheets of drywall were required to repair wall damage. A wood deck was constructed in the Spring of 2015.

In response to the Board's questions, Mr. DeCicco testified that the townhome unit was partially renovated as of January 1, 2015, with renovations completed by Spring of 2015. Total cost of renovations was approximately \$22,000.

Respondent presented Laura Burtschi, Licensed Residential Appraiser employed by the Jefferson County Assessor Office, as an expert witness. Ms. Burtschi testified that the 732 square foot subject unit was constructed in 1973, included two bedrooms, one bath and a 200 square foot garage with an additional dedicated parking space. The property went under contract April 23, 2014 and sold May 23, 2014. The subject listing indicated that the property had new windows but was in need of new carpet. While Respondent witness had requested an interior inspection, Petitioner had not returned her call.

Ms. Burtschi used the Sales Comparison Approach consisting of three comparable sales. Sale No. 1 sold for \$125,000, was a 920 square foot, two-story end unit with two bedrooms, one bath and including a 200 square foot garage. After adjustment, this sale supported a value of \$115,000 for the subject. Sale No. 2 sold for \$89,000, was a 732 square foot, ranch style end unit and also including a 200 square foot garage. After adjustment, this sale indicated a value of \$108,400 for the subject. Sale No. 3 sold for \$125,000, was a 920 square foot, two-story end unit with a 200 square foot garage. This unit indicated a value for the subject of \$111,570 after adjustment.

Ms. Burtschi further testified that she utilized the sale of Schedule No. 105737 (Respondent's Sale No. 2), same as Petitioner's Sale No. 3. She could not use the sale of Schedule Nos. 105717 and 105741 as suggested by Petitioner, as they sold outside the statutorily defined data collection period.

Respondent assigned an actual value of \$111,900 to the subject property for tax year 2015, but is requesting a value of \$111,700.

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). Petitioner provided five sales, two of which were outside the statutorily defined data collection period and none of the sales were adjusted for variations in characteristics

and date of sale relative to the subject. The Board finds that Respondent utilized three townhome sales within the same complex as the subject and applied appropriate adjustments to conclude to a well-supported value for the subject. Finally, Petitioner acquired the subject unit during the applicable statutory data collection period for \$110,100 which the Board finds to be compelling valuation evidence.

ORDER:

The petition is granted. The 2015 actual value of the subject property shall be reduced to Respondent's recommended value of \$111,700. Jefferson 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-nine 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-nine days after the date of the service of the final order entered).

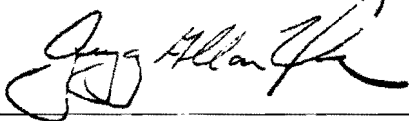
In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

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.

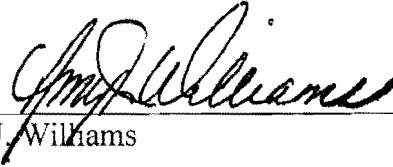
Section 39-8-108(2), C.R.S.

DATED and MAILED this 20th day of June, 2016.

BOARD OF ASSESSMENT APPEALS

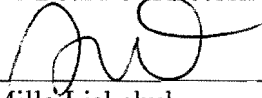


Gregg Near



Amy J. Williams

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



Milla Lishchuk

