

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>THOMAS E. MORRISSEY,</p> <p>v.</p> <p>Respondent:</p> <p>DENVER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 68594</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on June 29, 2016, Sondra W. Mercier, James R. Meurer, and MaryKay Kelley presiding. Petitioner appeared *pro se*. Respondent was represented by Noah Cecil, Esq. Petitioner is protesting the 2015 actual value of the subject property.

Subject property is described as follows:

**3231 South Monroe Street, Denver, Colorado
Denver County Schedule No. 05364-08-003-000**

The subject is a 2,406 square foot ranch with basement and garage. It was built in 1957 on a 20,200 square foot site in the Cherry Hills Heights Subdivision.

Respondent assigned an actual value of \$627,300 for tax year 2015, which is supported by an appraised value of \$720,000. Petitioner is requesting a value of \$578,000.

Mr. Morrissey purchased the subject property on February 12, 2013 for \$578,000. As the purchase occurred during the applicable base period (January 1, 2013 through June 30, 2014), he considered it the best indicator of value. According to Petitioner, the subject's purchase price represents its fair market value.

Respondent's witness, David Tancredi, Certified Residential Appraiser for the Denver County Assessor's Office, presented a Sales Comparison Analysis concluding to an indicated value of \$720,000. He presented three comparable sales ranging in sale price from \$679,900 to \$750,700

and made adjustments for seller concessions, time, size, basement size and finish, and remodeling. He gave greatest weight to Sales One and Three for their proximity to the subject and most recent sale dates.

Section 39-1-104 (10.2) (a), C.R.S. requires all county assessors to analyze sales data to see what differences, if any, there are between the market conditions at the time of a comparable sale and the valuation date. Commonly referred to as time trending, sales must be adjusted to the end of the applicable data collection period. Time trending of sales is the usual practice in all types of appraisal work to account for the principle of supply and demand as well as the principle of change.

There are several methods used to determine the presence of a time trend. The one most frequently used trending method within Colorado is called a Sales Ratio Trend Analysis. In general, this method uses the assessor's appraised actual values from the last reappraisal and compares them against recent sales data that has occurred during the newer period. This comparison is done using a sales ratio, which is simply the relationship between appraised values and sales prices.

After graphing all ratios, a statistical procedure called "regression" is used. Regression is able to place a line of "best fit" between all the plotted ratios. In effect, it is the slope or angle of this line that is used to determine the presence of any significant inflationary or deflationary trends. An upward line indicates appreciation, downward line depreciation, and a level line no change.

Identifying 421 qualifying residential sales in the subject area, Mr. Tancredi applied a linear regression analysis to conclude to a positive 0.53356% adjustment per month. Mr. Tancredi applied this adjustment to his three sales for each month counting from the date of sale to the end of the data gathering period (June 30, 2013).

The Board found Mr. Tancredi's time adjustment persuasive.

Petitioner presented insufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2015.

"The actual value of residential real property shall be determined solely by consideration of the market approach to appraisal." Section 39-1-103(5)(a), C.R.S. Respondent's witness correctly completed a site-specific appraisal of the subject property, comparing sales of similar properties and adjusting for time, size, and a variety of physical characteristics.

Both parties agree that the sale of the subject property in 2013 is the best indicator of value. The Board concurs. Respondent's appraisal supports the assigned value of \$627,300, which represents the subject's 2013 sale price and a time adjustment.

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-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 11th day of July, 2016.

BOARD OF ASSESSMENT APPEALS



Sondra W. Mercier

Sondra W. Mercier

James R. Meurer

James R. Meurer

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 Lishchuk

Milla Lishchuk