

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

1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 71642

Petitioner:

SCOTT PANTER,

v.

Respondent:

JEFFERSON COUNTY BOARD OF EQUALIZATION.

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on April 5, 2018, Debra Baumbach and Cherice Kjosness presiding. Petitioner appeared pro se by phone. Respondent was represented Casie Stokes, Esq. Petitioner is protesting the 2017 actual value of the subject property.

Subject property is described as follows:

**3017 Depew Street, Wheatridge, CO
County Schedule No. 300021451**

The subject property consists of a two story style home of frame/stucco construction built in 2006 and located in the Olinger Gardens subdivision. It contains 3,548 square feet of above grade living area, no basement and a 785 square foot attached garage. There are 2 bedrooms and 1 3/4 baths; the site is 0.146 acres.

Petitioner is requesting an actual value of \$500,000 for the subject property for tax year 2017. Respondent presented an appraisal concluding to the subject's value of \$816,900 which supports the subject's 2017 assigned value of \$741,902.

Petitioner presented eight comparable sales ranging in sale price from \$210,000 to \$880,000 and in size from 2386 to 5128 square feet. Three of the sales are from the extended base period. After adjustments were made, the sales ranged from \$338,786 to \$691,165. Petitioner stated that he used approximately the same adjustments as the County used on the grid presented at the Board of Equalization meeting: Sale Date: \$5000 per month up to 6/30/16; Age: \$5000/yr; Above Grade Finished Area: \$150/sf; Bedrooms and Baths: \$10,000 per room; Condition: \$70,000 per level. He

then averaged the adjusted values for an indicated value of \$523,684. Petitioner stated that in 2015 the quality rating for his home was changed from “average” to “good” with no apparent justification. During cross examination, Mr. Panter stated he was unaware of the following: comparable sale 6 was a foreclosure; comparable sale 7 was actually a land sale as the improvements were razed; comparable 8 was actually a vacant land sale.

Petitioner is requesting a 2017 actual value of \$500,000 for the subject property.

Respondent presented a value of \$816,900 for the subject property based on the market approach.

Respondent presented 4 comparable sales ranging in sale price from \$565,000 to \$742,000 and in size from 2422 to 3182 square feet, but comparable 2 had an unfinished basement, and comparables 3 and 4 had finished basements. After adjustments were made, the sales ranged from \$774,500 to \$859,300.

Respondent’s appraiser, Phil Suarez, made adjustments for: Date of Sale; Sale Conditions, Construction Quality/Materials; Central Air Conditioning; Bath Count; Basement Size and Finished Area; Attached and Detached Garage; Patio/Deck; Site Size; and Location. The comparables were all in neighboring areas but within a mile of the subject. Mr. Suarez stated that while the subject neighborhood was still predominantly made up of older homes, it was currently experiencing a material level of gentrification. There were some homes in near original condition; some had been fully remodeled and some had been scraped and newer, larger homes built on the sites. Board member Kjosness asked if the comparables selected were in similar areas of gentrification. Mr. Suarez stated that they were. Board member Baumbach asked if there should have been a functional obsolescence for only 2 bedrooms in that large of a house. Mr. Suarez stated he did not make an adjustment for that. Then member Baumbach asked how the location differences were established. Mr. Suarez stated that comparables 2 and 3 had higher density than the subject area and that comparable 4 was nearer to a park.

Respondent assigned an actual value of \$741,902 to the subject property for tax year 2017.

Petitioner presented insufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2017. The Board notes Petitioner’s exhibit presents market information and that adjustments were made. However, the adjustments are not all applied correctly: adjustments for date of sale (Time) are properly applied as a percentage of the sale price per month, not as a flat dollar amount per month; adjustments for year of construction (Age) are typically applied as a percentage of the sales price per year instead of a flat dollar amount. This allows for more accurate adjustments. The appraisal by Respondent’s appraiser, Mr. Suarez, is the best available information for market value of the subject. His comparable 1 has no basement like the subject, is the closest in proximity, and although it is significantly smaller than the subject, the architectural style is similar. It is a newer home, but the adjusted indicated value by this comparable is \$781,800, and the assigned value for the subject is approximately \$40,000 less (approximately 5%) which is a reasonable adjustment for the difference in age.

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 30th day of April, 2018.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach

Debra A. Baumbach

Cherice Kjosness

Cherice Kjosness

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

Milla Lishchuk
Milla Lishchuk

