

<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>MARGIE M. LIN,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>DOUGLAS COUNTY BOARD OF EQUALIZATION.</b></p>	
<p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Margie M. Lin Address: 6073 S. Lima Street Englewood, Colorado 80111 Phone Number: (303) 773-0928</p>	<p><b>Docket Number: 41950</b></p>
<p style="text-align: center;"><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on June 29, 2004, Mary Kay Kelley and Judee Nuechter presiding. Petitioner appeared pro se. Respondent was represented by Michelle Gombas, Esq.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**899 E. Summer Drive 13 E, Highlands Ranch, Colorado  
(Douglas County Schedule No. R0329590)**

Petitioner is protesting the 2003 actual value of the subject property, a condominium located at 899 E. Summer Drive, Unit 13E, Littleton, Colorado.

## **ISSUES:**

### **Petitioner:**

Petitioner contends that the condition of the subject property is poor and she feels Respondent's assigned value is too high for the conditions. She did not make any improvements during the base period and it was vacant for four months.

### **Respondent:**

Respondent contends that the subject property has been valued correctly based on the market approach.

## **FINDINGS OF FACT:**

1. Ms. Margie M. Lin, Petitioner, presented the appeal on her own behalf.
2. Based on the market approach, Petitioner presented an indicated value of \$117,043.00 for the subject property.
3. Petitioner presented three comparable sales ranging in sales price from \$132,900.00 to \$134,000.00. Petitioner did not disclose the gross living area of the three comparable sales and no adjustments were applied to the sales to reflect adjusted values.
4. Ms. Lin testified that when she purchased the subject property in November 1988, it was an abused HUD home and has been a rental unit ever since. The condition of the subject property was poor when she purchased it and the former owner took the appliances and damaged the carpeting, vinyl flooring and cabinets. In addition, the storage-shed door was damaged and could not be closed.
5. The Petitioner testified that the subject is a basic unit without air-conditioning, a carport, ceiling fans or a security system. The windows, damaged when she purchased the unit, were not repaired or replaced during the base period. The skylight is broken. Since purchasing the subject property, Ms. Lin has not performed any major upgrades or remodeling. The exterior deck and the gate were damaged during the base period.
6. Ms. Lin testified that Comparable Sale 1 had a carport and was in superior condition. Sale 2 had updated appliances, was a model home and was also in superior condition. Sale 3 was in very good condition. All of the comparable sales were owner-occupied. Ms. Lin indicated that a remodeling company estimated that it would cost \$10,500.00 to remodel the subject.
7. During questions from the Board, the Petitioner testified that bath and kitchen upgrades were not included in the professional remodeling cost estimate. The Respondent did not

perform an interior inspection of the subject property since they requested the inspection while she was out of town.

8. Petitioner is requesting a 2003 actual value of \$117,093.00 for the subject property.

9. Respondent's witness, Mr. Larry Shouse, a Certified General Appraiser with the Douglas County Assessor's Office, presented an indicated value of \$137,093.00 for the subject property based on the market approach.

10. Respondent's witness presented six comparable sales ranging in sales price from \$132,900.00 to \$140,000.00. All of the comparable sales contained 1,051 square feet of living area. After adjustments were made, the sales ranged from \$132,024.00 to \$140,820.00. All of the comparable sales are located in the same condominium complex as the subject property.

11. The Respondent's witness testified that the six comparable sales were built between 1984 and 1985 and that they all sold within the base period. The adjustment for condition was the most influential adjustment for each of the sales. The Respondent assigned a \$2,500.00 adjustment for carpet and paint to the comparable sales and an additional \$1,000.00 for the new furnace for Sale 6. Comparable Sales 2, 4, and 5 had conditions similar to the subject property.

12. Respondent's witness testified that condition adjustments are typically justified by a physical review of the subject's interior. He was not able to perform an interior inspection of the subject property. If Petitioner were to provide Respondent with a detailed estimate of costs to repair the subject property, Respondent could apply an appropriate adjustment to the property value in the future.

13. Respondent assigned an actual value of \$137,093.00 to the subject property for tax year 2003.

## **CONCLUSIONS:**

1. Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2003.

2. The Respondent failed to make a carport adjustment to two of the comparable sales. The Board applied a typical marketplace adjustment of \$1,000.00 for a carport to these two comparable sales.

3. The Board believes that the Respondent did not consider the overall condition of the subject property during the base period to be below average. Although the Respondent did not perform an interior inspection of the property, Petitioner's testimony indicated below average exterior conditions existed, such as fencing, gate, windows, and deck, which should have been

obvious during an exterior inspection of the property. The Board finds the subject property to be more appropriately valued at the lower end of Respondent's adjusted values based on its condition during the base period.

4. The Board agrees with the Respondent that an appropriate cost to cure would have been more persuasive in determining the condition of the subject property before a value was assigned to the subject property.

5. Based on all of the evidence and testimony presented, the Board concludes that the 2003 actual value of the subject property should be reduced to \$131,024.00.

### **ORDER:**

The petition is granted.

### **APPEAL:**

Petitioner may petition the Court of Appeals for judicial review within 45 days from the date of this decision.

If Respondent alleges procedural errors or errors of law by this Board, Respondent may petition the Court of Appeals for judicial review within 30 days from the date of this decision.