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| <p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>ROY D. TILL,</p> <p>v.</p> <p>Respondent:</p> <p>JEFFERSON COUNTY BOARD OF EQUALIZATION.</p> |  |
| <p>Attorney or Party Without Attorney for the Petitioner:</p> <p>Name: Roy D. Till Address: 10182 Dowdle Drive Golden, Colorado 80403 Phone Number: (303) 642-0979 E-mail: Attorney Reg. No.:</p> | <p>Docket Number: 39889</p> |
| <p>ORDER</p> | |

THIS MATTER was heard by the Board of Assessment Appeals on July 9, 2002, Debra A. Baumbach and Steffen A. Brown presiding. Petitioner appeared pro se. Respondent was represented by Jennifer Pielsticker, Esq., Special Assistant County Attorney.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**Lot 9, Block 2, Stanton Acres Section 13, Township 2, Range 72
County of Jefferson
(Jefferson County Schedule No. 044273)**

Petitioner is protesting the 2001 actual value of the subject property, a two story frame constructed home built in 1987 with 4,014 square feet of gross living area located on .739 acres off Coal Creek Canyon Road.

ISSUES:

Petitioner:

Petitioner contends that the value placed on the subject property is too high and he does not see the justification for the assessor's numbers.

Respondent:

Respondent contends that the subject property was properly valued using the market approach.

FINDINGS OF FACT:

1. Petitioner, Mr. Roy D. Till presented the appeal on his own behalf.
2. Based on the market approach, Petitioner presented an indicated value of \$326,464.00 for the subject property.
3. Petitioner presented five comparable sales ranging in sales price from \$160,000.00 to \$250,000.00 and in size from 845 to 1840 square feet. After adjustments were made, the sales ranged from \$312,260.00 to \$376,500.00. The Petitioner presented a sixth comparable sale for the purpose of land valuation.
4. Mr. Till testified road access to the subject property was not paved, but was a "washboard" surface. Access is only average and it impacts the value.
5. Mr. Till testified wintertime commute to his job could take up to two to three hours. He is not allowed to use a company vehicle due to the condition of the roads.
6. Mr. Till testified he did not perform due diligence when purchasing his house in 1996 and paid too much for it. He believes this has skewed the assessment valuation. He testified his property has not appreciated since the time in which it was purchased.
7. Mr. Till testified to numerous deficiencies that need attention, including water damage, exterior and interior paint, window replacement and radon mitigation. The cost to cure based on estimates is \$79,127.00.
8. Mr. Till testified the subject property is larger than most homes in the immediate area that have sold between \$160,000.00 and \$250,000.00 with an average sales price of \$217,000.00.
9. In cross-examination, Mr. Till discussed the comparable sales and testified that he arrived at the net adjustments by looking at each property. He believed that an adjustment of \$3,000.00 per acre for acreage over 1.739 acres was reasonable. He testified it would cost between \$80.00 to \$100.00 per square foot to build new. He thought that a size adjustment of \$40.00 per square foot for the comparable sales was reasonable. Mr. Till discussed adjustments

to comparable sales and averaged the net adjustments to the indicated value shown on Petitioner's exhibit A, pages 7 and 8. Mr. Till admitted he did not adjust any of the sales for time. Mr. Till believes that his land is worth \$40,000.00 since comparable sale 6 sold for \$44,900.00 and included a small cabin that he thought was worth \$4,000.00 to conclude a \$40,000.00 value for the subject land.

10. Petitioner is requesting a 2001 actual value of \$275,000.00 for the subject property.

11. Respondent's witness, Mr. David D. Niles, a Certified General Appraiser with the Jefferson County Assessor's Office, presented an indicated value of \$390,000.00 for the subject property, based on the market approach.

12. Respondent's witness presented four comparable sales ranging in sales price from \$196,000.00 to \$250,000.00 and in size from 1452 to 1840 square feet. After adjustments were made, the sales ranged from \$349,280.00 to \$393,500.00.

13. Mr. Niles testified he did a drive-by of the subject property and described it as a two-story home of average quality off Coal Creek Canyon Road, located on less than an acre of land and it did not have a view.

14. Mr. Niles testified the subject property had 4,014 square feet of living area and was over-built for the area since most homes are about half this size.

15. Mr. Niles testified comparable sales used in his report all have similar ingress, egress and other influences such as commuting to various services.

16. Mr. Niles described comparable sales testifying that comparable sale 1 has a larger lot and superior view but inferior access and no adjustment was made; comparable sale 2 has a large lot but access is inferior; comparable sale 3 has a large lot and has a superior view; comparable sale 4 is across the street from the subject and has a larger lot and similar view.

17. In cross-examination, Mr. Niles testified numerous land sales were researched in the Coal Creek Canyon area and the medium price of \$41,500.00 was found to be reasonable for a building site. Views, he testified, are adjusted between 10% and 15% of the sales price and the adjustment for square footage was obtained by taking 30% of the average sales price per square foot of the comparable sales. Mr. Niles testified he did not allow for an adjustment for radon. He did not know if the comparable sales had radon or not.

18. Upon questions from the Board, Mr. Niles testified that no consideration was given for the subject being overbuilt for the area.

19. Respondent assigned an actual value of \$390,000.00 to the subject property for tax year 2001.

CONCLUSIONS:

1. Petitioner presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2001.

2. Petitioner presented five comparable sales plus a sixth sale was presented to establish a land value. The Board is persuaded by the Petitioner's attempt to adjust the comparable sales in a logical manner but could not give full weight to the methodology since the Petitioner did not consider time trending and gave a straight line adjustment of \$3,000.00 per acre to any comparable sales having sites over 1.7 acres.

3. The Board was not convinced by the Petitioner's comments that access and long commute times impact value since comparable sales have similar, if not more difficult access and about the same commute times as the subject and this appears to be accepted by owners of properties in the area.

4. The Board agrees with both the Petitioner and Respondent that the subject may be over-built for the area. The adjustment for price per square foot used by both Petitioner and Respondent appear reasonable but the Board is concerned that consideration for the subject being over-built for the area was not addressed. The Board was also concerned that neither Petitioner nor Respondent considered going outside the neighborhood to find a sold property similar in size as the subject to support value.

5. The Board was not convinced by the Petitioner's testimony that the deficiencies should be deducted from the original purchase price of the house. The Board would have welcomed pictures of the deficiencies but is persuaded by the Petitioner that the overall condition of the subject property may be inferior to the comparable sales.

6. The Board agrees, in part, with the Respondent's comparable sales and adjustments made. The value takes into consideration factors that affect the valuation, including time trending, views and size difference. The Board, however, notes that Respondent's comparable sale 3, which appears to be given most weight, was not adjusted consistent with testimony. Comparable sale 3 has a much larger lot and a view that the subject does not have. The Board is not convinced that a minus \$10,000.00 adjustment adequately addresses these differences. Therefore, the Board re-calculated comparable sale 3 and allowed 10% of the Respondents' estimates of a cost to cure for a condition adjustment.

7. The Board concluded that the 2001 actual value of the subject property should be reduced to \$370,000.00.

ORDER:

Respondent is ordered to reduce the 2001 actual value of the subject property to \$370,000.00.

The Jefferson County Assessor is directed to change his/her records accordingly.

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.

DATED and MAILED this 23rd day of July, 2002.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach
Debra A. Baumbach

Steffen A. Brown
Steffen A. Brown

This decision was put on the record

JUL 22 2002

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

Penny S. Bunnell
Penny S. Bunnell

