

<b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203	<b>Docket Number: 63482</b>
Petitioner: <b>KIMARY A MARCHESE</b> v. Respondent: <b>JEFFERSON COUNTY BOARD OF EQUALIZATION</b>	
<b>ORDER ON STIPULATION</b>	

**THE PARTIES TO THIS ACTION** entered into a Stipulation, which has been approved by the Board of Assessment Appeals. A copy of the Stipulation is attached and incorporated as apart of this decision.

**FINDINGS OF FACT AND CONCLUSIONS:**

1. Subject property is described as follows:

**County Schedule No.: 110069**

**Category: VALUATION                      Property Type: Mixed Use**

2. Petitioner is protesting the 2013 actual property type of the subject property.
3. The parties agreed that the 2013 value of the subject property should remain:

**Total Value: \$381,500**  
(Reference Attached Stipulation)

4. The parties agreed that the 2013 actual property type of the subject property should be reclassified and should be :

**Property Type: Mixed Use**  
14% Commercial and 86% Residential

(Reference Attached Stipulation)

5. The Board concurs with the Stipulation.

**ORDER:**

Respondent is ordered to reduce the 2013 actual value of the subject property, as set forth above.

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

**DATED AND MAILED** this 12th day of June, 2014.

**BOARD OF ASSESSMENT APPEALS**

*Diane M. DeVries*

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Diane M. DeVries

*Debra A. Baumbach*

\_\_\_\_\_  
Debra A. Baumbach

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

*Cara McKeller*

\_\_\_\_\_  
Cara McKeller



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Colorado Board of Assessment Appeals  
CBOE APPEAL  
STIPULATION

KAM  
6-9-14

Docket Number: 63482  
KIMMARY A. MARCHESE, Petitioner

v.

JEFFERSON COUNTY BOARD OF EQUALIZATION, Respondent.

BOTH PARTIES stipulation and agree as follows:

1. The Subject Property, located at 10400 W. 38th Avenue, Wheat Ridge, Colorado 80033-4010, is described by Jefferson County Property Schedule Number 110069.
2. Petitioner filed an appeal to the Board of Assessment Appeals for tax year 2013. In order to resolve Petitioner's appeal, this Stipulation pertains to tax years 2012, 2013, and 2014.
3. The Parties agree that the 2012 and 2013 classification of the Subject Property will remain as mixed use, with 14% of the value allocated to commercial classification and 86% of the value allocated to residential classification.
4. The Parties agree that the Subject Property will be re-classified for 2014 as 100% residential use and will remain classified as 100% residential use until such time as the use on the Subject Property changes.
5. Petitioner agrees to notify the Jefferson County Assessor's Office and the Jefferson County Attorney's Office if and when the use of the Subject Property changes from 100% residential to any other use during Petitioner's ownership of the Subject Property.
6. For purposes of this Stipulation, the Parties agree that commercial use means any use on the Subject Property from which income is derived, including events, gatherings, or meetings advertised to and attended by the public. The Parties agree that gatherings at the Subject Property where no monetary compensation is paid to the owner of the Subject Property are permitted under this Stipulation. The Parties agree that residential rentals of the Subject Property do not constitute commercial use but that no other activities for which compensation is paid to Petitioner for use of the Subject Property will be permitted.
7. Petitioner agrees not to lease rooms on a short-term basis (i.e., for nightly or weekly stays) at the Subject Property.
8. This determination is for purposes of settlement only.

9. As part of this Stipulation, Petitioner agrees not to seek abatement related to the Subject Property of any tax year prior to 2014 and agrees to waive the right to a Board of Assessment Appeals hearing and any further appeal of schedule number 110069 for the assessment years covered by this Stipulation.

Petitioner:

Jefferson County Board of Equalization

By: Kimary Marchese  
Kimary Marchese  
Owner

By: Rebecca P. Klymkowsky  
Rebecca P. Klymkowsky  
Assistant County Attorney

Date: 6-9-2014

Date: 6/10/2014

Approved as to form by:

Layne Mann  
Layne Mann, Counsel for Petitioner