

Charles E. Zumbrunnen and Carole P. Zumbrunnen
v.
Town of Gilford

Docket No. 3343-86

DECISION

A hearing in this appeal was held, as scheduled, on September 27, 1988. The Taxpayers were represented by Charles E. Zumbrunnen, one of them. The Town was represented by Mary E. Pinkham, Appraiser, State of New Hampshire Department of Revenue Administration.

The Taxpayers appeal, pursuant to RSA 76:16-a, the assessment of \$30,400 placed on their real estate, located at Mountain View Yacht Club, for the 1986 tax year. The subject property consists of a condominium boat slip and other amenities identified as D29.

Neither party challenged the Department of Revenue Administration's assessment-sales ratio of 100 percent for the 1986 tax year for the Town of Gilford. Based on that ratio the Taxpayers assessment equates to a market value of \$30,400, as of April 1, 1986.

The Taxpayer argued he purchased slip D29 for \$20,000, on March 3, 1986. The Taxpayer further argued the sale was made on the last day of sales to renters

Charles E. Zumbrunnen and Carole P. Zumbrunnen v. Town of Gilford

of the marina facility. The Taxpayer testified it was a "public sale". The Taxpayer also testified three quarters of the sales were on the last date.

The Taxpayer also testified an owners group took over the marina and prices went up when that group put the balance of the slips on the market. The Taxpayer testified he bought his slip from the group that had been trying to raise capital to buy the slips for a cooperative form of ownership of the marina.

The Town argued the sales through March 1986, were preconstruction or developers sales and the sales prices of the slips were not reflective of the market place. The Town's representative testified she did not know if the appraiser had made an on site inspection, but she had inspected the slip two weeks prior to the hearing.

The Taxpayer testified the locations of the slips within the marina very important as to their respective values and that some of the slips suffered a silting problem, for which dredging the condominium fee pays for. The Taxpayer reiterated, in his opinion, the \$20,000 paid in March in 1986, was a "market price". The Taxpayer also testified the silting problem resulted in a boat with a very shallow draft, being the only kind of craft that could moor at his slip.

The Board finds the Taxpayer presented no evidence of open market value for the subject property. The Board finds the Taxpayer did present evidence of conditions, for the subject property, which the market place would recognize as characteristics which diminish value. The Board finds the Town properly

conducted it's sales survey and analysis to determine values for the slips at Mountain View Yacht Club. The Board finds the Town failed to take into

Charles E. Zumbrunnen and Carole P. Zumbrunnen v. Town of Gilford

consideration conditions within the marina, which might effect values of individual slips.

For the above stated reasons, the Board rules that the proper assessment for the 1986 tax year is \$25,200.

If the taxes have been paid, the amount paid on the value in excess of \$25,200 is to be refunded with interest at six percent per annum from date of payment to date of refund.

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

Anne S. Richmond, Esq., Chairman

George Twigg, III, Member

(Mr. Damour did not sit.)
Raymond J. Damour, Member

(Concurred, unavailable for
Peter J. Donahue, Member

signature)

Date: December 22, 1988

I certify that copies of the within Decision have this date been mailed, postage prepaid, to Charles E. & Carole P. Zumbrunnen, taxpayers; and the Chairman, Selectmen of Gilford.

Michele E. LeBrun, Clerk

Date: December 22, 1988

