

Unitrode Corporation

v.

Town of Merrimack

Docket No. 3384-86

DECISION

A hearing in this appeal was held, as scheduled, on September 6, 1989. The Taxpayer was not represented. The Town was represented by Dominic S. D'Antoni, Assessor.

The Taxpayer appeals, pursuant to RSA 76:16-a, the assessment of \$2,069,570 (land, \$200,710; building, \$1,868,860) placed on its real estate located on Continental Boulevard for the 1986 tax year. The subject property consists of an approximate 54,500 square-foot office and manufacturing building on approximately 9.925 acres of land.

Neither party challenged the Department of Revenue Administration's assessment-sales ratio of 47 percent for the 1986 tax year for the Town of Merrimack. Based on that ratio the Taxpayer's assessment equates to a market value of \$4,403,340 as of April 1, 1986.

The Taxpayer argued by letter through its agent, DuCharme, McMillen & Associates, Inc., that the current assessment represents a market value of \$3,568,242 and that an appraisal report supporting the overassessment claim would be submitted upon completion. Enclosed with the letter was an application for abatement of real estate tax stating, "The current assessment

does not reflect current fair market value and is therefore excessive." The

Taxpayer also submitted by letter received by the Board June 1, 1987, an information sheet indicating acquisition of the property by the Taxpayer on June 25, 1981, for \$2,350,000 and stated in the taxpayer's section for remarks:

1. Based on the current ratio of 58% the current assessment of \$2,069,570 exceeds the current fair market value of the subject property.
2. The current assessment is excessive as supported by the recent sale of the subject property and enclosed comparable sales.

Comparable sales enclosed have sales of industrial-commercial properties in both the Town of Merrimack and the City of Nashua and had undated sales prices from \$1,250,000 to \$6,752,396.

The Town argued they had not received any data from the Taxpayer and thus had nothing to base an abatement decision on. Mr. D'Antoni observed the comparable data in the record had minimal information for the basis of an appraisal or assessment decision. The assessor also commented the last revaluation in the Town of Merrimack was in 1979.

The Board finds the Taxpayer presented no data or information regarding current market sales on or about April 1, 1986. The Board finds it has insufficient data to make a fair determination of the Taxpayer's application for abatement.

The Board rules the Taxpayers have failed to prove that the assessment is unfair, improper, or inequitable or that it represents a tax in excess of the Taxpayer's just share of the common tax burden.

The ruling is, therefore:

Request for abatement denied.

April 27, 1990

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

Anne S. Richmond, Chairman

(Mr. Twigg did not sit)

George Twigg, III

Peter J. Donahue

Paul B. Franklin

I certify that copies of the within decision have been mailed this date, postage prepaid, to Henry P. Schieffer, Manager, DuCharme, McMillen & Associates, Inc., representing the Taxpayer, and to the Chairman, Board of Selectmen, Town of Merrimack.

April 27, 1990

Michele E. LeBrun, Clerk