

Branch S. Sanders and Susan M. Currier

v.

Town of Rye

Docket No. 3393-86

DECISION

A hearing in this appeal was held, as scheduled, on February 17, 1988. The Taxpayers were represented by Ignatius MacLellan, Esquire. 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 \$283,700 (land, \$214,700; building, \$69,000) placed on their real estate, located on Concord Point for the 1986 tax year. The subject property consists of a two story house situated on a parcel of land with 60 feet of ocean frontage.

Neither party challenged the State of New Hampshire Department of Revenue Administration's assessment sales ratio of 96 percent for the 1986 tax year for the Town of Rye. Based on that ratio, the Taxpayer's assessment equates to a market value of \$295,500.

The Taxpayers' appeal is based on The Constitution of New Hampshire, Part 2, Article 5, which state in part:

And further, full power and authority are hereby given and granted to the

said general court, from time to time, . . .
to impose and levy proportional and reasonable assessments, rates

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and taxes, upon all the inhabitants of, and residents within, the state;
and upon all estates within the same

and RSA 75:1 (supp) which states:

Except with respect to open space land appraised pursuant to RSA 79-A:5, and residences appraised pursuant to RSA 75:11, the selectmen shall appraise all taxable property at its full and true value in money as they would appraise the same in payment of a just debt due from a solvent debtor, and shall receive and consider all evidence that may be submitted to them relative to the value of property, the value of which cannot be determined by personal examination.

The Taxpayer argued an appraisal performed for Bank East Mortgage Corporation by Advent Appraisals Incorporated with its estimate of market value as of April 7, 1986, for the subject property of \$268,000 should be the value assessed by the Town of Rye. The Taxpayer also argued the Town's appraisal for assessment was very abbreviated and did not give adequate consideration to the building condition.

The Town argued the appraisal presented by the Taxpayer was performed as an appraisal for lending purposes by a bank. The Town also argued some of the comparables in the Taxpayers' appraisal were not on the ocean. The Town presented evidence of ocean front land values for comparison to the subject property.

The Board finds the appraisal submitted by the Taxpayers was performed for a third party bank for lending purposes. The Board finds the Town demonstrated the market values for ocean front properties in the Town of Rye for the 1986 tax year. The Board also finds the marketplace for ocean front property gives far greater consideration to the land and site value relative to

the building value.

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The Board therefore 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 Taxpayers' just share of the common tax burden. The ruling is, therefore: Request for abatement denied.

SO ORDERED

BOARD OF TAX AND LAND APPEALS

signature)
Chairman

(Concurred, unavailable for
Anne S. Richmond, Esq.,

(Mr. Twigg did not sit.)
George Twigg, III, Member

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Raymond J. Damour, Member

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Peter J. Donahue, Member

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Date: December 8, 1988

I certify that copies of the within Decision have this date been mailed, postage prepaid, to Branch S. Sanders, Esq., counsel for himself and Susan M. Currier, taxpayers; and the Chairman, Selectmen of Rye.

Michele E. LeBrun, Clerk

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Date: December 8, 1988

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