

James S. Duesenberry and Margaret T. Duesenberry

v.

Town of Jaffrey

Docket No. 3430-86

DECISION

A hearing in this appeal was held, as scheduled, on February 24, 1988. The Taxpayers represented themselves. The Town was represented by Mary E. Pinkham, Department of Revenue Administration.

The Taxpayers appeal, pursuant to RSA 76:16-a, the assessment of:

Map 47, Lot 10 (land, \$142,750; building, \$43,150; Total \$185,900)

Map 47, Lot 11 (land only \$15,600; Total \$15,600)

Map 47, Lot 16-1 (land only \$91,350; Total \$91,350)

The parties agreed that the equalization ratio for the Town of Jaffrey for the 1986 tax year was 100 percent.

The Taxpayers submitted an appraisal (single page) report by Whitney Associates (Douglas P. Whitney appraiser) of Map 47, Lot 16-1 land only. His opinion of value for the 2.11 acre lot was

James S. Duesenberry and Margaret T. Duesenberry v. Town of Jaffrey

\$70,000 and was dated September 11, 1985. The grantee's (Freiberg) check was dated April 12, 1987. The appellants told the Board the price was agreed upon by the parties in December 1986, and the actual sale followed four months later.

The Appellants outlined their position in the following written statement submitted to the Board of Tax and Land Appeals.

" The four properties marked A-2, B and C and the one marked Duesenberry have all been assessed at approximately \$450 per foot of lake front. The property marked Duesenberry with over 300 feet of frontage is valued at \$147,000 (for land only), substantially more than the two adjacent 250 foot lots or the A-2 lot with 200 feet. In fact, however, the lot with the largest frontage is the least attractive of the group. It has a smaller area than the others because it is near the point where the road touches the lake. Moreover, because it is so near the public beach it has much less privacy. The last 100 feet of frontage is not very deep. At best it serves as a partial offset to the lack of privacy caused by the road and beach. The assessment on this property should be lower than the ones on the adjacent properties not higher.

All the properties in question appear to have been overassessed. I owned the property marked A2 on the map. It was appraised as of September 1987 at \$70,000 by Whitney Associates. The assessment on this property is \$91,000, over 30 % higher than the Whitney figure.

I find it difficult to accept the assessed valuation even after allowing for some price rise since the date of the Whitney appraisal.

Taking those points into consideration I feel that there should be a reduction in the assessment on all the lots in question to reflect the general overvaluation of lake front property. In addition, the assessment on the property at 165 Gilmore Pond Road should be reduced relative to the other lots in this group."

James S. Duesenberry and Margaret T. Duesenberry v. Town of Jaffrey

The Town, represented by Mary Pinkham of the Department of Revenue Administration, submitted three comparable properties to the Board.

Map 47, Lot 39
Map 47, Lot 38
Map 47, Lot 26

The Town also submitted a sales survey summary of 20 waterfront lots (improved and unimproved) all in the Town of Jaffrey. Map 47, Lot 16-1 has 201 figured front feet, average depth of 200 feet and a unit price before adjustment of \$600 per front foot. The following deductions were applied:

Topography - 5 %
Excess frontage - 10 %
Undeveloped depreciation - 13 %

The appraised value of the front .92 acre is \$89,200

The appraised value of the rear 1.19 acres are \$1,650

Total valuation \$91,350

The Board finds the Whitney Appraisal of little probative value given the unadjusted period of time from the date of appraisal to the date of sale (approximately 20 months; September 11, 1985 to April 12, 1987).

The Board finds that none of the comparable properties used by Whitney Associates were on the subject Gilmore Pond, one was in a neighboring town. None of the comparable sales were either viewed or inspected by the appraiser according to his report.

James S. Duesenberry and Margaret T. Duesenberry v. Town of Jaffrey

Instead he relied on "file" information and a conversation with a Barbara Willis.

The Board further finds that the sale of the subject property to the Freibergs lacked an important ingredient of fair market value namely, the property was not advertised to the general public.

The Taxpayers basis for contesting the assessed value of the remaining properties (Map 47, Lots 10 and 11) is relative, ie "the assessment on the property at 165 Gilmore Pond Road should be reduced relative to the other lots in this group."

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

(Ms. Richmond did not sit.)
Anne S. Richmond, Esq., Chairman

George Twigg, III, Member

Raymond J. Damour, Member,
Acting Chairman

James S. Duesenberry and Margaret T. Duesenberry v. Town of Jaffrey

Peter J. Donahue, Member

Date:

I certify that copies of the within Decision have this date been mailed, postage prepaid, to James S. Duesenberry and Margaret T. Duesenberry, taxpayers; and the Chairman, Selectmen of Jaffrey.

Michele E. LeBrun, Clerk

Date: