

Jan Balazik and Maria Balazik

v.

Town of Atkinson

Docket No. 3625-87

DECISION

A hearing in this appeal was held, as scheduled, on October 6, 1988. The Taxpayers were represented by Jan Balazik, one of them. The Town was not represented.

The Taxpayers appeal, pursuant to RSA 76:16-a, the assessment of \$165,350 (land, \$50,600; buildings, \$114,750) placed on their real estate, located on East Road for the 1987 tax year. The subject property consists of a two story contemporary cape cod residence on approximately six acres of land.

Neither party challenged the Department of Revenue Administration's assessment-sales ratio of 46 percent for the 1987 tax year for the Town of Atkinson. Based on that ratio the Taxpayers assessment equates to a market value of \$359,500, as of April 1, 1987.

The Taxpayer argued he contracted for purchase of the land and construction of the home in December of 1986, paid \$228,000 for the subject property in May of 1987. The Taxpayer testified the builder told him the subject land could be

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subdivided. The Taxpayer further testified a surveyor gave him the opinion that there was only one building lot on the subject land.

The Taxpayer testified the subject building was not completed as of April 1, 1987, but that by the end of May, 1987, he had spent a total of \$231,500, including extras on the subject property.

The Board finds it cannot precisely determine the level of completion of the building, as of April 1, 1987. The Board finds the Taxpayer contracted for the subject property at a price of \$228,000 in December of 1987.

The Board rules the uncertainty of the level of completion is balanced by the appreciation of the contract price as of April 1, 1987.

For the above stated reasons, the Board rules that the proper assessment for the 1987 tax year is \$104,900.

If the taxes have been paid, the amount paid on the value in excess of \$104,900 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

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

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Raymond J. Damour, Member
(Concurred, unavailable for
signature) Peter J. Donahue, Member

Date: December 22, 1988

I certify that copies of the within Decision have this date been mailed, postage prepaid, to Jan & Maria Balazik, taxpayers; and the Chairman, Selectmen of Atkinson.

Michele E. LeBrun, Clerk
Date: December 22, 1988

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