

**Kathleen G. Moody**  
**v.**  
**Huggins Hospital and**  
**Town of Wolfeboro**

**Docket No. 3642-87**

**DECISION**

A hearing in this appeal was held, as scheduled, on February 22, 1989. The complainant represented herself. The defendant was represented by George W. Walker, Esquire. The Town was represented by Mark Puffer, Esquire, Chester L. Spinney, Town Assessor, Edward W. Zulauf, Selectman and H. E. Erickson, Selectman.

The complainant filed her challenge to the 1987 assessment of the defendant taxpayer pursuant to RSA 71-B:16 (supp.) which state in part:

The board may order a reassessment of taxes previously assessed or a new assessment to be used in the current year or in a subsequent tax year of any taxable property in the state:

- I. When a specific written complaint is filed with it, by a property owner, within 90 days of the date on which the last tax bill on the original warrant is sent by the collector of taxes of the taxing district, that a particular parcel of real estate or item of personal property not owned by him has been fraudulently, improperly, unequally or illegally assessed. The board shall consider only one complaint from a property owner for each parcel of land until such time as a reassessment has been made. The complainant shall pay a fee of \$10 for each specific particular parcel or specific item of personal property complained of. The board shall send notice by certified mail to the taxpayer against whose property the complaint is made.

Kathleen G. Moody v. Huggins Hospital and Town of Wolfeboro

The first issue raised by the complainant in the above entitled case was the failure of the defendant to timely file the required A-9 form for the 1987 tax year. The complainant argued the Town could not properly evaluate the defendant's entitlement to an exemption without the A-9 form since it lists the status of the properties on which an exemption is sought.

The Town's position was the defendant taxpayer did not file because the Town, being under the misapprehension that the A-9 form need not be filed every year, had erroneously informed the defendant it did not need to file the A-9 form for the 1987 tax year. The Town stated it had corrected its mistake and was now requiring the A-9 forms. The Town argued that an exception to the requirement should be made under the good faith rule of Appeal of C.H.R.I.S.T., Inc., 122 N.H. 982, 985 (1982).

The Board rules as follows. The filing of the A-9 form is required by RSA 72:23-c (1987 supp.) which states:

Annual List. Every religious, educational and charitable organization, Grange, and the Grand Army of the Republic, the United Spanish War Veterans, Veterans of Foreign Wars, the American Legion, the Disabled American Veterans, the American National Red Cross and any other national veterans association shall annually, on or before April 15, file a list of all real estate and personal property owned by them on which exemption from taxation is claimed, upon a form prescribed and provided by the commissioner of revenue administration, with the selectmen or assessors of the place where such real estate and personal property are taxable. A copy of such list shall at the same time be filed with the commissioner, which shall be a public record. If any such organization or corporation shall wilfully neglect or refuse to file such list upon request therefore, the selectmen may deny the exemption. (Emphasis added.)

The Board finds the defendant taxpayer filed its A-9 form on November 30, 1987. The defendant was late in filing its A-9 form due to erroneous information given it by the Town and through no fault of its own.

The Board therefore rules the Town did not abuse the discretion granted

it under RSA 72:23-c (1987 supp.) in declining to deny the exemption.

Kathleen G. Moody v. Huggins Hospital and Town of Wolfeboro

The complainant argued Huggins Hospital was renting its property to doctors and operated other buildings which should not qualify for tax exemption. Mrs. Moody argued Huggins Hospital should be taxed under the law.

Defendant, through its counsel Mr. Walker, argued Huggins Hospital, located in Wolfeboro, was legislatively chartered in 1907 as a non-profit organization. Mr. Walker further argued Huggins Hospital claims the benefit of the special legislation which created it; the most recent amendment to that legislation, Chapter 307 of the laws of 1951, which provides the property of Huggins Hospital shall be exempted from taxation. Mr. Walker in his response to the complaint submitted that the Town assessing officials have acted properly in recognizing the exempt status of the hospital property and that their administrative decision should be accorded appropriate weight for the purposes of this hearing.

The Board finds Huggins Hospital is a public charity and further enjoys the benefit of specific legislation which exempts its properties from taxation.

The order is therefore: Complaint dismissed.

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

— Anne S. Richmond, Esquire, Chairman

— George Twigg, III, Member

— Peter J. Donahue, Member

— (Mr. Franklin did not sit.)  
Paul B. Franklin, Member

Date:

Kathleen G. Moody v. Huggins Hospital and Town of Wolfeboro

I certify that copies of the within Decision have this date been mailed, postage prepaid, to Kathleen G. Moody, complainant; the Chairman, Selectmen of Wolfeboro and George W. Walker, Esq., representative for Huggins Hospital.

Michele E. LeBrun, Clerk

Date:

0009