

Frank McNamara and Lucia Carolan-McNamara

v.

Town of Woodstock

Docket No. 3667-87

DECISION

A hearing in this appeal was held, as scheduled, on September 8, 1988. The Taxpayers were represented by Frank R. McNamara, one of them. The Town was represented by Bonnie Ham, Selectman.

The Taxpayers appeal, pursuant to RSA 76:16-a, the assessment of \$64,350 (land, \$9,050; buildings, \$55,300) placed on their real estate, located on Route 175, for the 1986 tax year. The subject property consists of an 1810 brick cape with L and garage, on .82 acres of land.

Neither party challenged the Department of Revenue Administration's assessment-sales ratio of 42 percent for the 1987 tax year for the Town of Woodstock. Based on that ratio, the Taxpayers assessment equates to a market value of \$153,200, on April 1, 1986.

The Taxpayer argued the building was a unique house being valued strictly for its outside appearance. The Taxpayer argued further there was severe structural damage with the brick work and stone foundation, due to water seepage. The Taxpayer testified the property was purchased in 1985 for \$50,000

and, since

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then, \$14,000 for materials and labor, not counting owner's labor, had been added. The Taxpayer also testified the water supply was a gravity fed system from a well shared with a neighbor.

The Taxpayer testified he has been a real estate broker in New Hampshire for three years, but would not venture a guess as to the market value of the property. The Taxpayer did testify that on April 1, 1987, he estimated the market value to be \$90,000. The Taxpayer further testified, due to the unique nature of the property, there were no comparables in the immediate area to assist in establishing a market value for the subject property.

The Town's representative testified the Taxpayer was correct, that the main building was unique, and was perhaps the oldest in the Town. The Town's representative also testified it was the only brick house of its era in the Town. The Town's representative testified there were problems with the structure and that consideration had been given for physical depreciation for the 1988 assessment.

The Board's review appraiser reported to the Board that upon his completion of an interior inspection, he recommended an adjustment for physical depreciation for the house and garage. The Board's review appraiser recommended increasing physical depreciation to 20 percent for the main building and 10 percent for the garage.

The Board finds the testimony and evidence submitted by the Taxpayer and the report of the Board's review appraiser the best evidence of the

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physical condition of the subject property. The Board also notes the Town acknowledged problems with the structure.

For the above stated reasons, the Board rules the proper assessment for the 1987 tax year is:

Land	\$9,050
Buildings	<u>\$51,800</u>
Total	\$60,850

If the taxes have been paid, the amount paid on the value in excess of \$60,850 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

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

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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 22, 1988

I certify that copies of the within Decision have this date been mailed, postage prepaid, to Frank McNamara and Lucia Carolan-McNamara, taxpayers; and the Chairman, Selectmen of Woodstock.

Michele E. LeBrun, Clerk

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Date: December 22, 1988
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