

Michael C. Burnett

v.

Town of Greenland

Docket No. 3813-87

DECISION

A hearing in this appeal was held, as scheduled, on January 26, 1989. The Taxpayer was represented by himself and Bruce R. Ellis, Appraiser. The Town was represented by Richard H. Rugg, Selectman and Steven G. Traub, M.M.C. Inc.

The Taxpayer appeals, pursuant to RSA 76:16-a, the assessments on four properties located on Palm Drive and as identified as follows:

| | | |
|---------------|----------|------------------|
| 34 Palm Drive | Land | \$73,400 |
| | Building | <u>\$133,900</u> |
| | Total | \$207,300 |
| 36 Palm Drive | Land | \$73,500 |
| | Building | <u>\$156,000</u> |
| | Total | \$229,500 |
| 40 Palm Drive | Land | \$73,700 |
| | Building | <u>\$127,400</u> |
| | Total | \$201,100 |
| 41 Palm Drive | Land | \$72,900 |
| | Building | <u>\$87,000</u> |
| | Total | \$159,900 |

The Taxpayer also owns property at Eight Spring Hill which is assessed: land, \$70,000; building, \$125,400; total, \$195,400. All of the properties are duplex residences on individual lots.

Neither party challenged the Department of Revenue Administration's

assessment-sales ratio of 100 percent for the 1987 tax year for the Town of

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Greenland. Based on that ratio the Taxpayers assessment equates to full market value.

The Taxpayer argued the appealed properties were assessed higher than fair market value. The Taxpayer testified he was advised by an appraiser for the Town

that the subject properties were appraised for assessment at approximately 103 percent of market value. The Taxpayer submitted he was informed the subject duplexes were more attractive and had better curb appeal and had access inside the buildings to the basement areas, which was required by building codes and thus should not be considered a plus.

The Taxpayer testified he had experience as a builder and a real estate broker and that he had built the subject buildings with the intent of holding them as an investment. The Taxpayer further testified he used two by six framing in the walls and insulated glass in the windows and had attempted to design and build duplexes which did not all look alike.

The Taxpayer argued the duplexes were not ready for condominium conversion as they did not have separate utility systems.

Mr. Ellis, the appraiser retained by the Taxpayer, submitted there were no comparable properties in the Town of Greenland thus he relied on selected comparable properties in surrounding and nearby towns with similar appeal as the Town of Greenland. Mr. Ellis presented three sales of duplex properties in the Town of Stratham, a neighboring town, and pointed out these properties with sales prices ranging from \$162,500 to \$175,000 were new or almost new and had the same room count and similar amenities as the subject properties. Mr. Ellis also presented 12 additional sales of duplex properties in other similar communities prices ranging from \$137,000 - \$190,000. Mr. Ellis concluded that the subject properties had values of \$170,000 - \$188,000. Mr. Ellis observed the subject properties had rents above the market value therefore the market values were higher than the comparable properties presented.

The Town presented evidence and testimony of land values in another part of the Town on Orchid Hill Road with prices for raw land of \$65 - \$67,000. The

Town's appraiser concluded from these comparables the land component of the

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subject properties was fairly valued as developed land at \$73,700. Mr. Traub testified he determined the value of the buildings from Marshall and Swift and considered them better than average and made note of such items as oak cabinets in the kitchen, 12" x 12" panes on some of the windows, 6" framing and other aspects of quality. Mr. Traub also argued the subject properties were better quality than typical investment duplexes and were cited in a single family neighborhood.

The Taxpayer rebutted and maintained that the Orchid Hill Road location of the land used for comparables is in a more desirable than Palm Drive.

The Board finds the land assessment on the four appealed properties was based on comparables which were not properly adjusted to reflect the location of the subject properties. The Board finds the building components of the subject properties are of a design and quality which is better than duplexes in the area. The Board notes this was reflected in the Taxpayer's testimony that above market rents were obtained for the subject property.

The Board rules the subject properties were over assessed \$10,000 for the land component. The Board rules the proper assessments for the 1987 tax year are:

| | | |
|---------------|----------|------------------|
| 34 Palm Drive | Land | \$63,400 |
| | Building | <u>\$133,900</u> |
| | Total | \$197,300 |
| 36 Palm Drive | Land | \$63,500 |
| | Building | <u>\$156,000</u> |
| | Total | \$219,500 |
| 40 Palm Drive | Land | \$63,700 |
| | Building | <u>\$127,400</u> |
| | Total | \$191,100 |
| 41 Palm Drive | Land | \$62,900 |
| | Building | <u>\$87,000</u> |
| | Total | \$149,900 |

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If the taxes have been paid, the amount paid on the value in excess of \$953,200 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, Esquire, Chairman

George Twigg, III, Member

Peter J. Donahue, Member

Paul B. Franklin, Member

Date: March 15, 1989

I certify that copies of the within Decision have this date been mailed, postage prepaid, to Michael C. Burnett, taxpayer; and the Chairman, Selectmen of Greenland.

Michele E. LeBrun, Clerk

Date: March 15, 1989

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