

**Century Apartments Associates**

**v.**

**City of Keene**

**Docket No. 3885-87**

**DECISION**

A hearing in this appeal was held, as scheduled, on September 28, 1989. The Taxpayers were represented by Frederick L. Sewall, Appraiser, Marvin F. Poer & Company and Miles A. Friend, Appraiser, Marvin F. Poer & Company. The Town was represented by Laurance Shaffer, Assessor and Laura Thibodeau, Appraiser.

The Taxpayers appeal, pursuant to RSA 76:16-a, the assessment of \$4,242,100 (land, \$456,000; buildings, \$3,791,100) placed on their real estate, located at 445-451 Park Avenue for the 1987 tax year. The subject property consists of a 96 unit garden style apartment complex, sited on six acres, more or less.

The parties agreed the assessment-sales ratio for the City of Keene for the 1987 tax year was 87%.

The Taxpayer argued it was overassessed based on an appraisal report which relied solely on the income approach to value. The Taxpayer also argued the 1986 Tax Reform Act influenced the price of multi-family income property. The Taxpayers concluded in their value/assessment analysis the subject property had a fair market value as of April 1, 1987, of \$2,718,000, or \$28,313 per unit. The Taxpayers stated the City of Keene assessment indicated a market value of \$4,881,724 or \$50,851 per unit.

The Taxpayers presented evidence of two sales which indicated sales prices of multi-family apartment complexes of approximately \$41,000 per unit during 1986.

The City testified they conducted an all multi-family review for 1986.

The City stated its \$44,250 per unit assessment was in line with the results of their analysis. The City also questioned the financing on the Taxpayer's

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comparable sales but did state that it based part of its analysis on the refinancing of Colonial West, through General Electric Finance, for \$6.6 million dollars or \$38,600 a unit.

The Board finds the Taxpayers analysis indicates a value of \$28,300 a unit, while the City's assessment equates to a market value of \$50,850 a unit.

The Board also finds apartment complexes were selling in the \$40,000 - \$50,000 range, prior to the assessment date of April 1, 1987. The Board finds the market indicates the proper assessment for the subject property is \$39,500 a unit or \$3,792,000.

The Board rules the proper assessment for the 1987 tax year is \$3,792,000.

If the taxes have been paid, the amount paid on the value in excess of \$3,792,000 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

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Anne S. Richmond, Esq., Chairman

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George Twigg, III, Member

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Peter J. Donahue, Member

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(Mr. Franklin did not sit.)

Paul B. Franklin, Member

Date: April 27, 1990

I certify that copies of the within Decision have this date been mailed, postage prepaid, to Frederick L. Sewall, representative for Century Apartments Associates, taxpayer; and Chairman, Board of Assessors of Keene.

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Michele E. LeBrun, Clerk

Date: April 27, 1990

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