

Richard H. Masse and Andrea Dudley
v.
Town of Freedom

Docket No. 4001-87 and 4163-88

DECISION

These two appeals, having been consolidated for hearing, were heard, as scheduled, on June 1, 1989. The Taxpayers represented themselves. The Town was not represented.

The Taxpayers appeal, pursuant to RSA 76:16-a, the assessments of \$10,500 for 1987 and \$9,000 for 1988 placed on their real estate, located at Pine Landing Condominium and further identified as Unit 14.

Neither party challenged the Department of Revenue Administration's assessment-sales ratio of 5 percent for the 1987 tax year for the Town of Freedom. Based on that ratio the Taxpayers' assessment equates to a market value of \$210,000 as of April 1, 1987.

The Taxpayers testified the Town's method of determining the assessment was to take 10 percent of the sales price. The Taxpayers stated the sales price for their condominium was \$110,900 in July of 1986. The Taxpayers noted condominiums were not selling well in their market area and therefore their unit had not appreciated significantly as of April 1, 1987. The Taxpayers estimated appreciation might have been 5 percent for the period April 1, 1987, to March 31, 1988. The Taxpayers noted their assessment was changed to \$9,000

for 1988 and indicated an assessment-sales ratio was calculated as 4 percent for 1988.

The Taxpayers stated they purchased their condominium unit as the result of an ad in the Boston Globe by Maxfield Realty. They stated they purchased their unit before it was built and noted it was built on a foundation which was several years old, the result of a prior developer having gone bankrupt. The Taxpayers noted several units were on the market that had not sold.

The Board finds the Taxpayers' purchase price indicative of the fair market value for the subject property in 1987 and 1988. The Board finds the Town's method of assessing at 10 percent of sale price to be erroneous based on the evidence, especially, the assessment-sales ratio.

The Board therefore rules that the proper assessment for the 1987 and 1988 tax years is \$5,500.

If the taxes have been paid, the amounts paid on the values in excess of \$5,500 for the respective tax years 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

April 27, 1990

Anne S. Richmond, Chairman

(Mr. Twigg did not sit)

George Twigg, III

Peter J. Donahue

Paul B. Franklin

I certify that copies of the within decision have been mailed this date, postage prepaid, to Richard H. Masse and Andrea Dudley, the Taxpayers, and to the Chairman, Board of Selectmen, Town of Freedom.

Michele E. LeBrun, Clerk

April 27, 1990