

Frank J. Smith and Christine E. Smith

v.

Town of Bennington

Docket No. 4157-88

DECISION

A hearing in this appeal was held, as scheduled, on November 14, 1989. The Taxpayers were represented by Frank J. Smith, one of them. The Town was represented by Lorraine A. Mazur, Administrative Assistant to the Board of Selectmen.

The Taxpayers appeal, pursuant to RSA 76:16-a, the assessment of \$34,200 (land, \$2,000; building, \$32,200) placed on their real estate, located at Mountainside, Condominium Unit 13 for the 1988 tax year.

The parties agreed that the equalization ratio for the Town of Bennington for the 1988 tax year was 27%.

The Taxpayers purchased property January, 1988, for \$118,635 (no basement, 1100 sq. ft. of living space).

The appellant told the Board that the condominium was only 95% complete on April 1, 1988.

The Town's Selectmen, Erving LeCain (Chairman) wrote the Board of Tax and Land Appeals in part:

"As you will see from the attached correspondence, the question at issue appears to be the 30% assessment level. as Mr. Smith says, he has no difficulty with the "fair market value". The last official equalized valuation percentage which we have from the State was 33% for 1987. Our current filing with the State indicated to us that the level of percentage for 1988 would turn out to be just about 30% as we had estimated. Our filing also indicated to us that the 30% which we had estimated turned out to be quite consistently applied."

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According to the Department of Revenue Administration figures for 1988, the correct equalized ratio was 27%.

The Town's representative, Ms. Mazur, told the Board the correct 100% assessed value for April 1, 1988, should be:

$\$120,000 \times 95\% \text{ (complete)} = \$114,000$

The Board of Tax and Land Appeals finds the correct 1988 equalized value to be $\$120,000 \times .95 \times .27 = \underline{\$30,780}$ (equalized value).

The Board rules as follows.

If the taxes have been paid, the amount paid on the value in excess of \$30,780 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, Esq., Chairman

George Twigg, III, Member

(Mr. Donahue did not sit.)
Peter J. Donahue, Member

Paul B. Franklin, Member

Date: February 26, 1990

I certify that copies of the within Decision have this date been mailed, postage prepaid, to Frank J. & Christine E. Smith, taxpayers; and the Chairman, Selectmen of Bennington.

Michele E. LeBrun, Clerk

Date: February 26, 1990

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