

Gabriel L. Escobar and Debra F. Escobar

v.

Town of Exeter

Docket No. 4170-88

DECISION

The "Taxpayers" appeal, pursuant to RSA 76:16-a, the "Town's" 1988 assessment of \$111,400 their condominium unit located on Pine Grove Road and identified as Building 1, Unit 3 (the Property). For the reasons stated below, the appeal for abatement is granted.

The Taxpayers have the burden of showing the assessment was disproportionately high or unlawful, resulting in the Taxpayers paying an unfair and disproportionate share of taxes. See RSA 76:16-a; Tax 201.04(e); Appeal of Town of Sunapee, 126 N.H. 214, 217 (1985). We find the Taxpayers carried this burden and proved they were disproportionally taxed.

The Taxpayers argued the property had been on the market for eleven months during the time of the assessment for \$102,000 and there were two sales in the condominium complex with sales prices of 80 - 85% of the assessed values. The Taxpayer stated in his opinion the market value for the property on April 1, 1988 was in the \$100 - \$105,000 range. The Taxpayer also stated there were differences in the units and the newer units indicated higher market values in the range of approximately 15%.

The Town argued the property was inspected in May of 1990 and the assessing process was discussed with the Taxpayer in June of 1990. The Town also argued the condominiums had an \$87.00 per square foot median price derived from four sales prior to 1988.

Based on the evidence, we find the correct assessment should be \$100,300. This assessment is ordered because the property is in an older building in the condominium complex and indicates a lower market value.

If the taxes have been paid, the amount paid on the value in excess of \$100,300 shall be refunded with interest at six percent per annum from date paid to refund date.

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

George Twigg, III, Chairman

Peter J. Donahue, Member

Paul B. Franklin, Member

Date: February 25, 1991

I certify that copies of the within Decision have this date been mailed, postage prepaid, to Gabriel L. & Debra F. Escobar, taxpayers; and the Chairman, Selectmen of Exeter.

Michele E. LeBrun, Clerk

Date: February 25, 1991

0009