

Andrew P. Sansone and Agnes F. Sansone

v.

Town of Freedom

Docket No. 4492-88

DECISION

The "Taxpayers" appeal, pursuant to RSA 76:16-a, the "Town's" 1988 assessment of \$8,800 on their real estate consisting of Unit #18 of Freedom Village Condominium (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 that they were overassessed compared to other units within the condominium and with other more valuable property in Freedom.

The Town argued that the Taxpayers' value was dropped in 1989 to \$4,100 to correct for the overvaluation. Other units in the condominium received similar adjustments in 1988, but for an unknown reason the Taxpayers assessment was not adjusted.

Based on the evidence, including the board's inspector's report, we find the correct assessment should be \$4,100. This assessment is ordered because this assessment is proportional to evidence of the market value of the property. The Taxpayer purchased the property in December of 1986 for \$99,000 and sold it in April of 1990 for \$80,000. It is the Board's experience that real estate values in Freedom peaked in 1987 - 1988 and have since dropped. The 1988 equalized ratio for Freedom is 4% which based on an assessed value of \$4,100 would indicate

a market value of \$102,500. Therefore, the Board rules that an assessed value of \$4,100 for 1988, based on the evidence before it, is reasonable and proportional.

If the taxes have been paid, the amount paid on the value in excess of \$4,100 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

Paul B. Franklin, Member

Ignatius MacLellan, Member

Date: March 25, 1991

I certify that copies of the within Decision have this date been mailed, postage prepaid, to Andrew P. & Agnes F. Sansone, taxpayers; and the Chairman, Selectmen of Freedom.

Michele E. LeBrun, Clerk

Date: March 25, 1991

0009