

Leonard J. Novak, Sr., and Gail A. Perkins
v.
Town of Exeter

Docket No. 5032-88

DECISION

A hearing in this appeal was held, as scheduled, on October 19, 1989. The Taxpayers were represented by Leonard J. Novak, Sr. The Town was represented by Edward P. Elcik, Appraiser-Consultant.

The Taxpayers appeal, pursuant to RSA 76:16-a, the assessment of \$315,000 (land, \$181,300; buildings, \$133,700) placed on their real estate, located on Portsmouth Avenue, for the 1988 tax year. The subject property consists of approximately 11.4 acres of land, of which 10.94 acres is in current use, improved with a frame-dwelling-style building and barn.

Neither party challenged the Department of Revenue Administration's assessment-sales ratio of 100 percent for the 1988 tax year for the Town of Exeter. Based on that ratio the Taxpayers' assessment equates to a market value of \$315,000 as of April 1, 1988.

The Taxpayer testified in 1981 the Town began taxing the subject property as commercial property. Mr. Novak stated an ambulance service occupied the property as a tenant.

The Taxpayer testified the subject property is part of an assemblage of abutting properties the Taxpayer and others have had on the market for

\$2,500,000. The Taxpayer estimated the property for sale might fetch a sales

price of \$1,750,000. The Taxpayer stated the abutting property at 150 Portsmouth Avenue is his daughter's residence.

The Town's representative testified a permit was issued September 11, 1980, for the ambulance service. Mr. Elcik testified the commercial zoning in the area went to a depth of 500 feet. Mr. Elcik further stated the Portsmouth Avenue area had been built up in the 1960's.

Mr. Elcik stated his partnership performed an appraisal of the three parcels of land in 1987 and had an opinion of a market value of \$1.2 million at that point in time.

The Board finds the evidence and testimony presented at the hearing indicate the market value of the subject property greatly exceeds the assessment at a 100 percent ratio. The Board further finds the Taxpayers presented no evidence that would indicate that the highest and best use of the subject property had a market value such as to warrant an abatement.

The Board rules the Taxpayers have failed to prove that the assessment is unfair, improper, or inequitable or that it represents a tax in excess of the Taxpayers' just share of the common tax burden.

The ruling is, therefore:

Request for abatement denied.

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

April 27, 1990

Anne S. Richmond, Chairman

George Twigg, III

Peter J. Donahue

(Mr. Franklin did not sit)

Paul B. Franklin

I certify that copies of the within decision have been mailed this date, postage prepaid, to Leonard J. Novak, Sr., and Gail A. Perkins, the Taxpayers, and to the Chairman, Board of Selectmen, Town of Exeter.

Michele E. LeBrun, Clerk

April 27, 1990