

Alan Davis and Madolyn S. Davis

v.

Town of Exeter

Docket No. 5314-88

DECISION

The "Taxpayers" appeal, pursuant to RSA 76:16-a, the "Town's" 1988 assessment of \$253,100 (land, \$74,500; buildings, \$178,600) on Deer Run Road, consisting of a two-story colonial residence sited on approximately 2 acres of land (the Property). For the reasons stated below, the appeal for abatement is denied.

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 failed to carry their burden and prove any disproportionality.

The Taxpayers argued the January 1987 purchase price of \$200,000 was the true value even though the asking price for the previous year was \$220,000. Mr. Davis testified he bought the subject property through realtor Roger Rice from the builder and closed the transaction within a month.

The Town argued the property was equitably assessed compared to other properties in the neighborhood. The assessor stated that the appreciation

from the asking price and date of sale indicated a value of \$247,500 on April 1, 1988.

We find the Taxpayers failed to prove the assessment was disproportional. We also find the Town supported the Property's assessment.

The Board takes notice that the sales price of the subject property, though informative, is not the sole determinant of fair value for an equitable assessment. The Board rules that the Town properly, equitably, and fairly determined the assessment for the subject property when compared to all other properties in the taxing jurisdiction.

January 31, 1991

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

George Twigg, III, Chairman

Peter J. Donahue

Paul B. Franklin

I certify that copies of the within Decision have been mailed this date, postage prepaid, to Alan and Madolyn S. Davis, the Taxpayers, and to the Chairman, Board of Selectmen, Town of Exeter.

January 31, 1991

Michele E. LeBrun, Clerk

