

John W. Davidge, Jr., Trust

v.

Town of Lancaster

Docket No. 5573-88

DECISION

A hearing in this appeal was held, as scheduled, on September 19, 1990.

The Taxpayer was not represented. The Town was represented by John W. McSorley, Appraiser, State of New Hampshire Department of Revenue Administration.

The Taxpayer appeals, pursuant to RSA 76:16-a, the assessment of \$96,550 (land, \$49,450; building, \$47,100) placed on its real estate located on Martin Meadow Pond, for the 1988 tax year. The subject property consists of a camp dwelling situated on approximately .3 acre of land with an indicated water frontage of 130 feet, more or less. The Taxpayer also owns other property in the Town of Lancaster identified as Map R27, Lot 12, land \$105,100; Map R27, Lot 12A, land \$169,600, buildings \$66,550, for a total of \$236,150; and Map R23, Lot 3, land \$355,250, building \$108,300, for a total of \$463,550.

Neither party challenged the Department of Revenue Administration's equalization ratio of 100 percent for the 1988 tax year for the Town of Lancaster. Based on that ratio the Taxpayer's appealed assessment equates to a market value of \$96,550 as of April 1, 1988, and the total of the Taxpayer's estate in the Town of Lancaster equates to a market value of \$901,350 as of

April 1, 1988.

John W. Davidge III argued by letter that an enclosed assessment prepared by Bruce Taylor and a letter of Attorney Ransmeier indicated the camp was valued too highly. Mr. Davidge in his letter noted that the appraisal prepared by Mr. Taylor was accepted by the IRS after review for estate tax purposes. Mr. Davidge also noted in his letter that 14 months' difference from the date of Mr. Taylor's appraisal and the April 1, 1988, date of assessment by the Town of Lancaster indicated appreciation of 28 percent for the appealed property. Mr. Davidge also noted that Attorney Ransmeier mathematically concluded, based on the value of the subject land, that an acre would be \$148,166.

Mr. McSorley testified for the Town that the Martin Meadow Pond was an interesting appraisal problem as there were no sales. Mr. McSorley stated that the appraiser concluded, based on other sales of other properties in the Town of Lancaster, \$400 a front foot was the applicable unit value to apply for the waterfront properties on Martin Meadow Pond. Mr. McSorley also stated that the rate of appreciation for the Lancaster area was 1 1/2 percent per month, and applying this factor to Mr. Taylor's conclusion of value of \$75,000 on December 1, 1986, would indicate a value of \$93,000 for the subject property as of April 1, 1988. The Town's representative stated that seasonal property tends to suffer less functional depreciation than year-round property in the Town of Lancaster.

The Board finds the Taxpayer presented no evidence to refute the assessed value as determined by the Town of Lancaster. The Board finds the Taxpayer's appraiser did not provide an updated appraisal with indications of market appreciation to bring the appraisal forward to April 1, 1988.

The Board therefore rules the Taxpayer has failed to prove that the assessment is unfair, improper, or inequitable or that it represents a tax in excess of the Taxpayer's just share of the common tax burden. The ruling is, therefore:

Request for abatement denied.

November 2, 1990

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

Peter J. Donahue

Paul B. Franklin

Ignatius MacLellan

I certify that copies of the within Decision have been mailed this date, postage prepaid, to Grace Taylor, Trustee, to the Chairman, Board of Selectmen, Town of Lancaster, and to Richard Young, Director, DRA Property Appraisal Division.

November 2, 1990

Michele E. LeBrun, Clerk