

Constellation Realty Trust  
Edward H. Consigli, Trustee

v.

Town of Raymond

Docket No. 5869-89

**DECISION**

The "Taxpayer" appeals, pursuant to RSA 76:16-a, the "Town's" 1989 assessment of \$144,800 (land, \$25,200; buildings, \$119,600) on 40 Ann Logan Circle, Map 4, Lot 46-22, consisting of 2.3 acres (the Property). For the reasons stated below, the appeal for abatement is granted.

The Taxpayer has the burden of showing the assessment was disproportionately high or unlawful, resulting in the Taxpayer 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 Taxpayer carried this burden and proved disproportionality.

The Taxpayer argued the assessment was excessive because:  
(1) his father purchased the unfinished property for \$155,500 on March 24, 1989, at auction;

(2) it took an additional \$8,579 to complete the house;

(3) the Property was refinanced in 1990 and the appraised value was \$165,000; and

(4) the Trust has tried unsuccessfully to sell the property for \$184,900 (MLS 7/27/90 - 10/26/92).

The Town argued the assessment was proper because:

- (1) the original assessment was lowered for grade and "overall prices were adjusted";
- (2) assessments in the neighborhood are comparable;
- (3) bank appraisals are substantially lower for refinancing; and
- (4) the property was rented between \$1,000 - \$1,200, with the tenant paying all the utilities.

### **Board's Rulings**

Based on the evidence, we find the correct assessment should be \$115,840. This assessment is ordered because the board finds a 20% reduction to the total assessed value for design desirability and comparison to other properties sold as well as some degree of economic depreciation for design and market appeal in the subject neighborhood.

If the taxes have been paid, the amount paid on the value in excess of \$115,840 shall be refunded with interest at six percent per annum from date paid to refund date (RSA 76:17-a). The Board leaves the allocation of value between land and buildings to the methodology used throughout the Town in the assessment process.

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

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George Twigg, III, Chairman

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Michele E. LeBrun, Member

### **CERTIFICATION**

I hereby certify a copy of the foregoing decision has been mailed this date,

postage prepaid, to Edward H. Consigli, Trustee of Constellation Realty Trust and the Chairman, Selectmen of Raymond.

Dated: October 6, 1992

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Melanie J. Ekstrom, Deputy Clerk

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