

**Franklyn L., Trudy E. and Peter J. Cutrone**

**v.**

**Town of Eaton**

**Docket No.: 6348-89**

**DECISION**

The "Taxpayers" appeal, pursuant to RSA 76:16-a, the "Town's" 1989 assessment of \$363,200 (land \$54,750; buildings \$308,450) on the Snowvillage Inn, an inn on a 9.90-acre lot (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 this burden and prove disproportionality.

The Taxpayers argued the assessment was excessive because:

- (1) the primary criteria for evaluating inns is usually on a per-room basis;
- (2) there are two other inns in Eaton and the assessment is 24 percent higher than the Inn at Crystal Lake and 30 percent higher than the Rockhouse Mountain Farm Inn; and

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(3) a fair room assessment would be \$242,000 based on \$12,000 per-room for the 15 older rooms and \$15,500 for the new rooms.

The Town submitted a copy of the Property's assessment-record card and copies of the property assessment cards for the Inn at Crystal Lake and Rockhouse Mountain Farm Inn, along with tables of assessment comparison by room and market data comparisons vs. assessments and argued the assessment was proper because:

(1) Snowvillage Inn was purchased by the Taxpayers in 1986 for \$442,500,

which reflects the added value recognized by the Taxpayers when the Property was purchased;

(2) in 1989, a new building (the "Annex") was constructed;

(3) the Inn at Crystal Lake sold in 1986 for \$234,000 and in 1987 was remodeled with private baths added - the Property's only land is the land it sits on, and the parking lot is unpaved;

(4) Snowvillage Inn sold for 39 percent more per-room than the Inn at Crystal Lake;

(5) Rockhouse Mountain Farm Inn is a seasonal property, has no insulation, most of the baths are shared, and the Property is in current use, which explains the difference in the value of the land;

(6) a 20 percent physical depreciation has been applied to the old building because it is heated by electricity; and

(7) beach access is not a major consideration as the Town beach is available and well maintained.

The board's inspector inspected the property, reviewed the assessment-record card, reviewed the parties' briefs and filed a report with the board (copy enclosed). This report concluded the assessment was proper. Note: The inspector's report is not an appraisal. The board reviews the report and treats the report as it would other evidence, giving it the weight it deserves. Thus, the board may accept or reject the inspector's recommendation.

**Board's Rulings**

Based on the evidence, the board finds the Taxpayers failed to prove the assessment was disproportional. The Taxpayers offered no evidence of the annual income of the subject Property compared to income of several other inns in Eaton described in some physical detail by both the Taxpayers and the Town.

The difference in size, age, and seasonal vs. year-round occupancy and rate schedules for guests are impossible to compare and adjust for market value without comparing financial information for each establishment on a unit basis.

The board's review appraiser, Mr. Phil Estey, inspected the Property on January 1, 1992 and recommended "no change in value."

The Taxpayers did not present any credible evidence of the Property's fair market value. To carry this burden, the Taxpayers should have made a showing of the Property's fair market value. This value would then have been compared to the Property's assessment and the level of assessments generally

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in the Town. See, e.g., Appeal of NET Realty Holding Trust, 128 N.H. 795, 796 (1986); Appeal of Great Lakes Container Corporation, 126 N.H. 167, 169 (1985); Appeal of Town of Sunapee, 126 N.H. at 217-18.

The agency's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence. See RSA 541-A:18, V(b).

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 Franklyn L., Trudy E. and Peter J. Cutrone, Taxpayers; and Chairman, Selectmen of Eaton.

Dated:

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Valerie B. Lanigan, Clerk