

Frank B. Walton

v.

City of Concord

Docket No.: 6914-89

DECISION

The "Taxpayer" appeals, pursuant to RSA 76:16-a, the "City's" 1989 assessment of \$34,810 on a condominium located at Cranmore Ridge Condominiums - Unit #12 (the Property). The Taxpayer failed to appear, but consistent with our Rule, TAX 102.03(g), the Taxpayer was not defaulted. This decision is based on the evidence presented to the board. For the reasons stated below, the appeal for abatement is denied.

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 failed to carry this burden.

The Taxpayer argued the assessment was excessive because:

- (1) comparable units in the development were selling in the \$111,000 to \$117,000 range six months prior to and after April 1, 1989 and yet were assessed on an equalized basis at \$132,000 to \$136,000;
- (2) comparable units at McKennas Purchase were selling during the same time

Frank B. Walton

v.

City of Concord

Docket No.: 6914-89

Page 2

frame for \$95,000 to \$105,000;

(3) city services were not provided to the extent provided properties outside the development; and

(4) the Property was listed for sale at \$94,500 at the beginning of 1990 and was then reduced to \$88,500 later in 1989 as the Taxpayer had relocated and needed to sell.

The City argued the assessment was proper because:

(1) the City performed an appraisal of the Property as of April 1, 1989 which estimated its market value at \$112,000 (Exhibit City - A); and

(2) the market value of the Property and comparable units did not show a decline in the value until late 1989.

Board's Rulings

We find the Taxpayer failed to prove the Property's assessment was disproportional. We also find the City supported the Property's assessment.

The City's market value estimate of \$112,000 is supported by the Taxpayer's listing of sales within the development. The market value indicated by equalizing the assessment by the City's 1989 equalization ratio ($\$34,810 \div .30 = \$116,000$), is generally supported by the City's estimate of market value. There is never one exact, precise or perfect assessment; rather, there is an acceptable range of values which, when adjusted to the Municipality's general level of assessment, represents a reasonable measure of

Frank B. Walton

v.

City of Concord

Docket No.: 6914-89

Page 3

one's tax burden. See Wise Shoe Co. v. Town of Exeter, 119 N.H. 700, 702 (1979).

Lack of municipal services is not necessarily evidence of disproportionality. As the basis of assessing property is market value, as defined in RSA 75:1, any effect on value due to lack of municipal services is reflected in the selling price of comparables and consequently in the resulting assessment.

The Taxpayer argued the assessment should be reduced because the market for the property has been declining as indicated by his lower listing prices.

Evidence of a declining market alone is not a basis for reducing an assessment no more than evidence of an appreciating market is a valid basis of increasing an assessment. The issue is proportionality. The Taxpayer needs to make a showing that the Property has changed in value to a greater extent than that indicated by the change in the general level of assessment in the City as a whole to prove his property is disproportionately assessed.

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

Paul B. Franklin, Member

Michele E. LeBrun, Member

CERTIFICATION

Frank B. Walton

v.

City of Concord

Docket No.: 6914-89

Page 4

I hereby certify a copy of the foregoing decision has been mailed this date, postage prepaid, to Frank B. Walton, Taxpayer; and Chairman, Board of Assessors of Concord.

Dated: March 1, 1993

0008

Valerie B. Lanigan, Clerk