

Lands End Condominiums

v.

Town of Moultonboro

Docket Nos.: 10086-90 thru 10093-90

DECISION

This decision pertains to eight 1990 appeals filed on eight units at the Lands End Condominiums. The Lands End Condominiums contain approximately 46.1 acres of common land area with approximately 610 feet of frontage on Lake Winnepesaukee located on Long Island, at the end of Old Long Island Road in Moultonboro. The complex is serviced by common water wells and septic systems.

The following list summarizes the units and assessments under appeal (collectively "Taxpayers").

Taxpayer(s)	Docket No.:	Unit #	Assessment
William and Susan Cuttillo	10086-90	#5	\$259,600
Robert and Paula Mac Phee	10087-90	#21	\$259,600
Deer Island Trust	10088-90	#23	\$238,800
George and Meredith Hoag	10089-90	#25	\$270,000
Caroline J. Vines Michael J. Cavanaugh	10090-90	#26	\$270,000
David and Kathy Gilory	10091-90	#27	\$252,000
Allen G. Riley	10092-90	#28	\$270,000
Rodney Young Elizabeth Turner	10093-90	#31	\$215,000

The parties agreed to consolidate the appeals due to location, similarity in design and construction. The parties also waived a hearing and agreed to allow the board to decide the appeals on written submittals. The board has reviewed the written submittals and issues the following decision. For the reasons stated below, the appeals for abatement are granted.

The Taxpayers argued in their assessment evaluation, the assessments were excessive because:

- 1) low sales and reduced prices created a three-year inventory as of April 1, 1990;
- 2) the highest and best use of the individual units is the current use; and
- 3) an appraisal based on the direct comparison approach estimated the market

values and proper assessments to be as follows:

Unit #	Market Value	1990 Assessment Ratio	Proposed Assessed Value
#5	\$244,000	72%	\$175,680
#21	\$200,000	72%	\$144,000
#23	\$193,500	72%	\$139,320
#25	\$193,500	72%	\$139,320
#26	\$192,000	72%	\$138,240
#27	\$193,500	72%	\$139,320
#28	\$192,000	72%	\$138,240
#31	\$164,400	72%	\$118,368

- 4) Windward Harbor, a condominium complex which the Town cited as a comparable, is superior to the subject properties and sold out quicker due to its western

supports the revised assessments.

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Board Rulings

Based on the evidence, we find the correct estimate of market value and resulting assessments should be:

Unit #	Market Value	1990 Equaliz- ation Ratio	Proper Assessment
#5	\$269,000	72%	\$193,700
#21	\$225,000	72%	\$162,000
#23	\$238,500	72%	\$171,700
#25	\$238,500	72%	\$171,700
#26	\$237,000	72%	\$170,650
#27	\$238,500	72%	\$171,700
#28	\$237,000	72%	\$170,650
#31	\$193,400	72%	\$139,250

These assessments are ordered because:

- 1) the board finds the Town's proposed assessments were based on the premise that the 1986 - 1988 sales were reflective of the 1990 market for these units; however market data presented by the Taxpayers showed the value of the units had declined in contrast to other property in Town. (Town's 1986 equalization ratio was 98% and the Town's 1990 equalization ratio was 72%);
- 2) the best evidence of the 1990 market for these units are the sales of units

two (\$250,000) and four (\$192,000) in 1991 used by the Taxpayers and the sale of unit 27 in 1989 (\$255,000) noted by the Town; the sales of units in other condominium developments and their differences were not detailed enough by either party to be of much probative value;

3) while the sales of units 2 and 4 could possibly have been influenced by bank

foreclosure\resale considerations, the sales do provide some evidence of market

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value;

4) the board finds the Taxpayers' analysis and adjustments to a "base" unit are reasonable with the following changes:

a) the sales of units 2 and 4 occurred in 1991 and should be time adjusted +1.15% per month (14%-year) to April 1, 1990 (this finding is based on the percentage in change of the Town's equalization ratios from 1990 to 1991 (82%\72% = 1.14%) as no other evidence of time adjustments were submitted by either party);

b) this time adjustment results in revised indicators of values by sales of units two and four of \$243,000 and \$205,200 respectively;

c) the board correlates these indications to an estimated value for the "base" unit (#21) of \$225,000; and

d) the total value differential between waterfront and non-waterfront units should be \$25,000 not \$5,000; this estimate is based upon comparing the differences between the residual land (site) values for waterfront and non-waterfront units derived by subtracting the Town's estimate of building costs of the units from the various sale prices of the units from 1986-1989; in addition to the locational difference, the \$25,000 also reflects any difference

the market is recognizing in the free standing versus duplex design of the units (waterfront were duplex units without basements and non-waterfront were free-standing units with basements); and

5) in keeping with Appeal of Andrews, 136 N.H. 61 (1992), the board finds the Town's 1990 equalization ratio of 72% to be the best evidence as to the general level of assessment within the Town and the proper factor to adjust 1990 findings of market value to result in proportional assessments.

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If the taxes have been paid, the amount paid on the value in excess of the amounts listed below, shall be refunded with interest at six percent per annum from date paid to refund date. RSA 76:17-a.

Unit #	Assessment
#5	\$193,700
#21	\$162,000
#23	\$171,700
#25	\$171,700
#26	\$170,650
#27	\$171,700
#28	\$170,650
#31	\$139,250

Motions for reconsideration of this decision must be filed within twenty (20) days of the clerk's date below, not the date received. RSA 541:3. The motion must state with specificity the reasons supporting the request, but generally new evidence will not be accepted. Filing this motion is a prerequisite for appealing to the supreme court. RSA 541:6.

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

Paul B. Franklin, Member

Ignatius MacLellan, Esq., Member

I hereby certify a copy of the foregoing decision has been mailed this date, postage prepaid, to Equitax, representing Taxpayers; and Chairman, Selectmen of Moultonboro.

Dated:

Melanie J. Ekstrom, Deputy Clerk

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