

Paul and Priscilla Gounder

v.

City of Concord

Docket No.: 10496-90

DECISION

The "Taxpayers" appeal, pursuant to RSA 76:16-a, the "City's" 1990 assessment of \$135,600 (land \$32,200; buildings \$103,400) on 4,914, square-foot lot with a two-family home (the Property). The Taxpayers also own, but did not appeal, a 40,121, square-foot lot with a home assessed at \$293,700. 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 203.09(a); 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 Property was financed for \$109,000 when purchased in 1985;
- (2) the maximum value for refinancing in 1993 was \$110,000; and
- (3) the Property had a market value of approximately \$110,000 to \$115,000 in 1990.

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The City argued the assessment was proper because:

- (1) a valuation report submitted by the City estimates the market value of the Property as of April 1990 to be \$140,000; this value estimate was determined by the market approach using three comparable sales;
- (2) an appraisal submitted by the Taxpayers to the City with their request for abatement estimated the value as of May 1989 at \$137,000 even though the appraisal contained an understatement of the living area square footage; and
- (3) the Taxpayers' refinancing value estimate in 1993 of \$110,000 if equalized by the 1992 equalization ratio of 120% indicates a 1990 market value of \$132,000 ($\$110,000 \times 120\%$).

Board's Rulings

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

Neither party challenged the Department of Revenue Administration's equalization ratio of 100% for the 1990 tax year for the City of Concord. The Property's equalized value is \$135,600.

The Taxpayers did not present any credible evidence of the Property's fair market value that was contrary to the assessed 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 in the City. 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,

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126 N.H. at 217-18.

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In fact, the appraisal report submitted by the City, the Taxpayers' appraisal submitted to the City and the factoring of the 1993 refinancing amount of \$110,00 by the City's 1992 equalization factor all support the assessment of \$135,600.

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

George Twigg III, Chairman

Paul Franklin, Member

CERTIFICATION

I hereby certify a copy of the foregoing decision has been mailed this date, postage prepaid, to Paul and Priscilla Gounder, Taxpayers; and Chairman, Board of Assessors of Concord.

Dated: December 21, 1993

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Valerie B. Lanigan, Clerk