

Raymond J. and Louise L. Dunn

v.

Town of Bristol

Docket No.: 8579-90

DECISION

The "Taxpayers" appeal, pursuant to RSA 76:16-a, the "Town's" 1990 assessment of \$336,600 (land, \$270,350, buildings, \$66,250) consisting of a waterfront 1-acre lot with cottage (the Property). The Taxpayers and the Town waived a hearing and agreed to allow the board to decide the appeal on written submittals. The board has reviewed the written submittals and issues the following decision. 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(3); Appeal of Town of Sunapee, 126 N.H. 214, 217 (1985). We find the Taxpayers failed to carry their burden and prove any disproportionality.

The Taxpayers argued the assessment was excessive because:

- 1) the Property was purchased August 15, 1990, for \$317,500, which represents fair market value;
- 2) it was an arms length transaction, and the fact that it sold below the assessed value indicates that the assessed value was too high; and

3) the assessed value should be reduced to \$317,500.

The Town argued the assessment was proper because:

- 1) even though the Property sold for \$317,500 the difference between that figure and the assessed value is slightly less than 6%, and is not out of line with other properties in view of the declining market;
- 2) comparables submitted and a 1988 sale demonstrates the activity in the immediate area of Taxpayers' Property; and
- 3) the assessed value of \$336,600 is fair and equitable.

The board finds the Taxpayers have not shown disproportionality. As stated above, the focus of our inquiry is proportionality, requiring a review of the assessment to determine whether the property is assessed at a higher level than the level generally prevailing. Appeal of Town of Sunapee, 126 N.H. at 219; Stevens v. City of Lebanon, 122 N.H. 29, 32 (1982). There is never one perfect assessment of a property. Rather, there is a range of acceptable assessments for each property. The question is thus whether the assessment falls within a reasonable range from a median ratio as indicated by an acceptable coefficient of dispersion following a good reassessment, considering the property involved and other assessments in the municipality. See Wise Shoe Co. v. Town of Exeter, 1991 N.H. 700, 702 (1979); Brickman v. City of Manchester, 119 N.H. 919. Here the assessment was within 6% of the purchase price. Moreover, the Department of Revenue Administration's equalization for Bristol in 1990 was 1.03%, meaning assessments were approximately 3% above fair market values. Thus, the variance between the equalized value, \$326,796, and the sales price, \$317,500 is only 3%.

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

Ignatius MacLellan, Esq., Member

Michele E. LeBrun, Member

I certify that copies of the foregoing decision have been mailed this date, postage prepaid, to Raymond J. and Louise L. Dunn, Taxpayers and Chairman, Selectmen of Bristol.

Dated: October 31, 1991

Melanie J. Ekstrom, Deputy Clerk