

Cheryl L. and Arthur F. Casey, Jr.

v.

Town of Bristol

Docket No.: 8596-90

DECISION

The "Taxpayers" appeal, pursuant to RSA 76:16-a, the "Town's" 1990 assessment of \$164,800 (land, \$102,000; building, \$62,800) consisting of a condominium unit with 2616 square feet (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 granted.

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 carried their burden and proved they were disproportionally taxed.

The Taxpayers argued the assessment was excessive because:

- 1) recent sales of two units sold between \$139,000 and \$140,000;
- 2) one of the units had been on the market for over a year and recently sold for \$109,900; and
- 3) the assessment is 15% over fair market value.

The Town takes the position that the present assessed value of \$164,800 is excessive and disproportional to other properties in Bristol. Therefore, an adjustment to the site and amenities value from \$102,000 to \$82,100 should be made. However, the Town states an error was made in calculating the building value and the square foot price should be \$26.72 not \$24.77, giving a final value of \$150,000, (land, \$82,100; building, \$67,900).

The Town argues the assessment is proper because:

- 1) Taxpayers purchased the Property in 1987 for \$149,900;
- 2) sales data supports a value of \$150,000; and
- 3) Department of Revenue Administration's (DRA) Sales Book supports a value of \$150,000;

The board agrees that the Town's adjustments are appropriate and should be applied to the 1990 abatement. Further, the board