

William E. Hazlett, Trustee
Carriage Road Alton Realty Trust

v.

Town of Alton

Docket No.: 8666-90

DECISION

The "Taxpayer" appeals, pursuant to RSA 76:16-a, the "Town's" 1990 assessment of \$80,100 (land \$15,500; buildings \$64,600) on a 1.85-acre lot with a house (the Property). 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 203.09(a); Appeal of Town of Sunapee, 126 N.H. 214, 217 (1985). We find the Taxpayer failed to carry this burden and show disproportionality.

The Taxpayer argued the assessment was excessive because:

- (1) the Property was purchased in November 1990 for \$50,000 from the Taxpayer's father; the price was arrived at based on the cost to construct the building;
- (2) the dwelling cost \$45,532 to construct in 1983 to 1985;

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(3) realtors looked at the property in 1991 but it was not listed or offered on the market; and

(4) the \$50,000 price was a figure to get out from under the taxes and recover the improvement costs.

The Town argued the assessment was proper because:

(1) an appraisal, prepared by William Corcoran, employing both the cost and market approaches supports the assessment; and

(2) the Taxpayer's Property is in a neighborhood of half acre lots, yet the lot is 1.85 acres in size.

Board's Rulings

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

The Taxpayer stated his only disagreement was with the building portion of the assessment being in excess of its 1985 construction cost. We find that the 1985 construction cost does not equate to market value five years later. The Taxpayer did not present any credible evidence of the Property's fair market value. To carry this burden, the Taxpayer 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 Town. 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);

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Appeal of Town of Sunapee, 126 N.H. at 217-18.

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Further, the board finds the sale price was not reflective of market value because the owner was under some financial pressure to sell and desired only to recover his construction costs and not the value of the lot.

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

Paul B. Franklin, Member

Ignatius MacLellan, Esq., Member

CERTIFICATION

I hereby certify a copy of the foregoing decision has been mailed this date, postage prepaid, to William E. Hazlett, Taxpayer; and Chairman, Selectmen of Alton.

Dated: October 19, 1993

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Valerie B. Lanigan, Clerk