

Hunters Hill Trust

v.

The Town of New London

Docket No.: 8721-90

DECISION

The "Taxpayer" appeals, pursuant to RSA 76:16-a, the "Town's" 1990 assessment of \$65,100 on Map 51, Lot 24, a vacant, 2-acre lot (the Property).

The Taxpayer 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 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 201.04(e); Appeal of Town of Sunapee, 126 N.H. 214, 217 (1985). We find the Taxpayer failed to carry this burden.

The Taxpayer argued the assessment was excessive because:

- 1) the Property was listed for sale for \$72,000 and the highest offer was \$50,000;
- 2) the Town's comparable was not comparable because it is a 5-acre lot and sold before the market collapsed;

- 3) if the Town's comparable was relied upon, it is \$15,000 per-acre assessment would result in a \$30,000 assessment for the Property;
- 4) the best comparable sold in June, 1991, for \$50,000; and
- 5) a realtor's market analysis estimated a \$40,000 to \$50,000 market value.

The Town argued the assessment was proper because:

- 1) the Taxpayer's 3.94-acre comparable that sold for \$78,000 in May, 1991 was not an arm's length transaction (a sale within the family for land and building);
- 2) the Property's view enhances the value; and
- 3) a property across the lake sold for \$100,000.

The board's inspector reviewed the assessment-record card and filed a report with the board. This report concluded the assessment was equitable with abutters and comparable properties in the Town.

Board's Rulings

Based on the evidence, the board finds the assessment is proper. Differing square-foot assessment values are not necessarily probative evidence of inequitable or disproportionate assessment. The market generally indicates higher per-square-foot prices for smaller lots than for larger lots, and since the yardstick for determining equitable taxation is market value (see RSA 75:1), it is necessary for assessments on a per-square-foot basis to differ to reflect this market phenomenon.

The Taxpayer argued the assessment should be reduced because the market for the property has been declining. Evidence of a declining market

alone is not a basis for reducing an assessment no more than evidence of an appreciating market is a valid basis of increasing an assessment. The issue

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is proportionality. The Taxpayer needs to make a showing that the Property has changed in value to a greater extent than that indicated by the change in the general level of assessment in the Town as a whole to prove his property is disproportionately assessed.

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

George Twigg, III, Chairman

Ignatius MacLellan, Esq., Member

CERTIFICATION

I hereby certify that a copy of the foregoing decision has been mailed this date, postage prepaid, to Gordon M. Boyd, Treasurer of Hunter Hill Trust, Taxpayer; and Chairman, Selectmen of New London.

Dated: April 26, 1993

Melanie J. Ekstrom, Deputy Clerk