

Plasto Manufacturing Company, Inc.

v.

Town of Goffstown

Docket No. 8821-90

DECISION

The "Taxpayer" appeals, pursuant to RSA 76:16-a, the "Town's" 1990 assessment of \$1,188,800 on 2 factory buildings and several outbuildings on 5 acres (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 granted.

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.04(e); Appeal of Town of Sunapee, 126 N.H. 214, 217 (1985). We find the Taxpayer carried this burden and proved it was disproportionally taxed.

The Taxpayer argued the assessment was excessive because:

- (1) the Property was purchased in 1991 at auction for \$140,000; and
- (2) a bank appraiser valued the Property at \$625,000 in 1991 (Taxpayer did not submit a copy of the appraisal).

The Town argued:

- (1) the assessment could be lowered to \$718,200;
- (2) the Taxpayer's purchase price was not market value; and
- (3) the assessment was in line with other assessments in the Town.

The board's inspector inspected the property, reviewed the property tax card, and filed a report with the board. This report concluded the proper assessment should be \$623,250 (copy attached). The inspector made the following adjustments to the Town's assessment based on:

- (1) the Town's 1990 \$798,200 value;
- (2) bank appraisal; and
- (3) his on-site inspections of the Property.

Based on the evidence, including the board's inspector's report, we find the correct assessment should be \$617,650 (land, \$321,500 and building \$296,150. This assessment is ordered because:

- (1) the 1991 auction price was not a fair market sale. However, it is some evidence of the Property's full value;
- (2) the bank's appraisal is additional evidence of the Property's value;
- (3) the assessments on the outbuildings were way out of line, requiring additional depreciation. The board accepted our inspector's new numbers, except we find the dust collector worth \$0. This Property is an example of how a property has more outbuildings than it needs. Moreover, most of the outbuildings are in terrible shape and may actually have no value or even negative value because of demolition costs. The outbuildings may be worth even less, but the Taxpayer did not submit sufficient evidence to show this; and
- (4) the majority of the value is in the main brick building and the land.

In summary, the board finds, based on all the evidence, the assessment should be \$617,650. The Property's actual value might be lower, especially given the number and condition of all the buildings other than the main brick building. We are, however, restricted to the information presented.

If the taxes have been paid, the amount paid on the value in excess of \$617,650 shall be refunded with interest at six percent per annum from date

paid to refund date.

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SO ORDERED

BOARD OF TAX AND LAND APPEALS

(s) Ignatius MacLellan, Esq.

(s) Michele E. LeBrun, Member

I certify that copies of the within Decision have this date been mailed postage prepaid, to Janigan Associates, Inc., taxpayer; and Chairman, Selectmen of Goffstown.

(s) Melanie J. Ekstrom, Deputy Clerk

Date: March 5, 1992

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Plasto Manufacturing Company, Inc.

v.

Town of Goffstown

Docket No. 8821-90

ORDER

This order relates to the "Taxpayer's" motion for rehearing in which the Taxpayer questioned the board's failure to order the Town to refund or abate the RSA 76:13 12% interest on the taxes due on the value above \$617,650. The Taxpayer's motion is denied because the interest was due even though the original assessment was reduced. See Winnopiseogee Lake Cotton & Woolen Mfg. Co. v. Town of Gilford, 64 N.H. 514, 517 (1888); Western Union Telegraph Co. v. State, 64 N.H. 265, 270 (1886).

The Taxpayer also sent a March 23, 1992 letter, indicating the bank's appraisal was only \$450,000 and in essence asking for reconsideration. The board denies this request. Because the appraisal was not presented to the board, the board did not rely heavily on the appraisal, and thus, a lower appraisal value would not change the board's decision.

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

Ignatius MacLellan, Esq., Member

Michele E. LeBrun, Member

I certify that copies of the within Order have this date been mailed, postage prepaid, to Janigan Associates, Inc., taxpayer; and Chairman, Selectmen of Goffstown.

Valerie B. Lanigan, Clerk

Date: April 7, 1992
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Plasto Mfg. Co., Inc.

v.

Town of Goffstown

Docket No.: 8821-90

ORDER

The board, after reviewing the parties written submittals, has issued the following order:

1) The Taxpayer shall prepare and present to the board and Town a sketch (a) showing the location of all buildings, paving, and outbuildings; (b) describe the history, use and condition of each structure; and (c) Taxpayer shall also submit numbered photographs of each building with the numbers on the photographs corresponding to the building numbers on the sketch.

2) A copy of the sketch and photographs shall be sent to the Town within twenty (20) days of the clerk's date below, and the Town shall indicate on the property record card the sketch number for each building so the board can determine the assessment on each building.

3) The Town shall send a copy of the marked sketch to the board with a copy to the Taxpayer within twenty (20) days of its receipt of Taxpayer's sketch.

4) Taxpayer shall also send the Town a copy of its November 14, 1991 letter addressed to the board.

If either party fails to comply the board shall hold that party in default.

All submissions to this board shall be directed to the attention of the undersigned.

BOARD OF TAX AND LAND APPEALS

Dated:

Melanie J. Ekstrom, Deputy Clerk