SWC General Partnership

v.

Waterville Valley

Docket No.: 8905-90

DECISION

The "Taxpayer" appeals, pursuant to RSA 76:16-a, the "Town's" 1990 assessment of $2,288,800 (land $178,000 - buildings $2,110,800) on The Valley Inn, a 46-room hotel on 1.78 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 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 and prove disproportionally.

The Taxpayer argued the assessment was excessive because:

1) the Property was purchased on 9/27/90 for $1,250,000 (price included land, buildings, furniture, fixtures and equipment); and

2) an appraisal suggests a $1,870,000 market value based on the income approach, and Equifax suggests a $1,416,000 assessed value.

The Town argued the assessment was proper because:

1) an abatement was approved for $338,100 resulting in the current assessed value;

2) the purchase in 1990 was not an arm's length transaction;

3) an analysis was done on the cost vs. market approach, and the current

assessment was determined to be consistent in comparison to other inns in town.

Board's Rulings

The parties agreed the equalization ratio for the Town [City] of Water Valley for the 1990 tax year was 80%.

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

The Town testified the Property's assessment was arrived at using the same methodology used in assessing other properties in the town. This testimony is evidence of proportionality. See Bedford Development Company v Town of Bedford, 122 N.H. 187, 189-90 (1982). Based on the evidence, we find the Taxpayer failed to prove disproportionally.

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

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George Twigg, III, Chairman

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Paul B. Franklin, Member

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Ignatius MacLellan, Esq., Member

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Michele E. LeBrun, Member

I hereby certify that a copy of the foregoing decision has been mailed this date, postage prepaid, to

Dated:

_____
Melanie J. Ekstrom, Deputy Clerk