Thomas and Debra Hiney

v.

Town of Exeter

Docket No.: 9574-90

DECISION

The "Taxpayers" appeal, pursuant to RSA 76:16-a, the "Town's" 1990 assessment of $207,100 (land $74,100; buildings $133,000) on a single-family dwelling with attached garage on a .46-acre lot (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 Town 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 Taxpayers carried this burden and proved disproportionality.

The Taxpayers argued the assessment was excessive because:

1) the property was purchased in December, 1990 for $159,750;

2) sales submitted of similar property on River Road Circle were selling for $140,000 to $162,750 in a time period of December 1990 to March 1991;

3) an appraisal done for the mortgage of the Property on December 3, 1990 estimated its value at $175,000; and

4) equalizing the sale by the Town's 1990 ratio of 1.05% indicates a fair assessment of $168,000.

The Town argued the assessment was proper because:

1) the Taxpayer's comparables were all on the market for a shorter time than was normal, indicating the asking prices were reduced dramatically in order to dispose of the property;

2) the previous owner sold to a relocation company which then sold to the Taxpayers;

3) relocation companies normally dispose of properties sooner and for lower prices than arms length transactions; and

4) the Taxpayer has not proven his assessment is disproportionate and overvalued when compared to the standards of value established during the 1988 revaluation.

Board's Rulings

Based on the evidence, we find the correct assessment should be $186,300. This assessment is ordered because the Taxpayers' evidence concerning their purchase price and appraisal and other sales (with due consideration for sales by relocation companies) demonstrated overassessment by approximately 10%.

If the taxes have been paid, the amount paid on the value in excess

of $186,300 shall be refunded with interest at six percent per annum from date paid to refund date. RSA 76:17-a.

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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Ignatius MacLellan, Esq., Member

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Paul B. Franklin, Member

I hereby certify that a copy of the foregoing decision has been mailed this date, postage prepaid, to Thomas and Debra Hiney, Taxpayers, and Town of Exeter Selectman.

Dated: September 24, 1992

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Melanie J. Ekstrom, Deputy Clerk