

Stephanie A. Thornton

v.

Town of Bow

Docket No.: 11294-91PT

DECISION

The "Taxpayer" appeals, pursuant to RSA 76:16-a, the "Town's" 1991 adjusted assessment of \$229,950 (land, \$90,650; building, \$139,300) (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 203.09(a); Appeal of Town of Sunapee, 126 N.H. 214, 217 (1985). The Taxpayer failed to meet her burden and show disproportionate assessment.

The Taxpayer argued the assessment was excessive because:

- 1) it is greater than market values;
- 2) a February, 1991 appraisal indicated a value by the cost approach of \$193,132, and a value by the sales comparison of \$189,000;

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- 3) the lot was purchased in May, 1987 for \$62,200, the house and improvements were built for \$161,794 in June, 1987. The total cost was \$223,994;
- 4) values have declined since the Property was purchased in 1987; and
- 5) a proper assessment would be \$189,000.

The Town argued the assessment was proper because:

- 1) comparable sales used during the 1991 revaluation ranged from \$220,000 - \$267,000;
- 2) after a review of the Property a 5% physical depreciation was given reducing the assessment from \$236,950 to \$229,950, the present assessment;
- 3) the decline in the market was not until 1989, and the decline varied between neighborhoods;
- 4) according to market sales analyzed, Taxpayer's appraisal of \$189,000 does not represent fair market value as of April 1, 1991; and
- 5) the adjusted assessment is proper.

Board's Findings

The Board finds the market did not peak in this neighborhood in 1987. The market drop was first observed in 1989 and by a review of the Town's equalization ratios, the market value in 1991 was approximately equivalent to the 1987 market values. Thus, the cost to purchase and construct the Property in 1987 is given some weight. The revised 1991 assessment puts the subject property in the lower range of selling prices at the time of the revaluation.

The Taxpayer argued the assessment should be reduced because the

market for the Property has been declining. Evidence of a declining market

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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 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 her 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

Paul B. Franklin, Member

CERTIFICATION

I hereby certify that a copy of the foregoing decision has been mailed this date, postage prepaid, to Stephanie A. Thornton, Taxpayer; and Chairman, Selectmen of Bow.

Dated: January 4, 1994

Melanie J. Ekstrom, Deputy Clerk