

**Carl & Christina Zecha**

**v.**

**Town of Derry**

**Docket No. 25666-10PT**

**ORDER**

This Order responds to a January 24, 2012 Respondent Town of Derry's Motion to Dismiss Appeal ("Motion"). The Motion is granted.

A brief recitation of facts in this case are as follows:

- (1) the "Taxpayers" filed an appeal with the board on August 30, 2011;
- (2) in their appeal document Section G, the Taxpayers stated, "had property appraised. Property is not marketable due to landfill";
- (3) on September 30, 2011, the board ordered the Taxpayers and the "Town" to participate in mediation and to file a Report of Settlement Meeting & Order ("Report") with the board no later than January 30, 2012;
- (4) the Taxpayers were required to provide copies of any appraisals they were going to rely upon to satisfy their burden of proof at or before the mediation meeting (see Tax 102.07);
- (5) according to the Motion (p. 3), the parties met on December 14, 2011 and the Taxpayers did not produce an appraisal;
- (6) the parties scheduled another meeting on December 21, 2011 but the Taxpayers failed to

show up;

(7) on January 23, 2012, the Taxpayers signed the Report and did not check of item number 1, which states “[c]heck if an Appraisal was submitted by the Taxpayer during mediation; and

(8) the board received the Motion on January 24, 2012 and no objection was received from the Taxpayers.

SO ORDERED.

BOARD OF TAX AND LAND APPEALS

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Albert F. Shamash, Esq., Member

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Theresa M. Walker, Member

**CERTIFICATION**

I hereby certify a copy of the foregoing Order has this date been mailed, postage prepaid, to: Carl & Christina Zecha, 92 Old Chester Road, Derry, NH 03038; Lynne Guimond Sabean, Esq., Boutin Altieri, PLLC, P.O. Box 1107, Londonderry, NH 03053; and Town of Derry, Assessor’s Office, 14 Manning Street, Derry, NH 03038.

Date:

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Anne M. Stelmach, Clerk