Knox County Board of Assessment Review
Administration Office
62 Union Street
Rockland, Maine 04841

November 10, 2015

James N. Katsiaficas
Philip C. Hunt
Perkins Thompson
P. O. Box 426
Portland, ME 04112

Re: Tax Abatement Application for property located at:
Map/Lot 10-2
506 Main Street
North Haven, Maine
(April 1, 2014 tax year)

Dear Mr. Katsiaficas & Mr. Hunt,

The Knox County Board of Assessment Review (the "Board") met on Friday, November 6, 2015 at 10:00 a.m. to hear and decide the tax abatement appeal for the above listed residential property and to discuss and adopt this written decision.

You have requested an abatement on behalf of Karen Hendrixson and Sarah Chapman based on the information below:

Current Assessed Valuation	Land	$1,596,800
	Buildings	$250,200
	Total	**$1,847,000**

Owner's Opinion of Current Valuation	Land	* 1
	Buildings	*1
	Total	**$1,045,000** *2

Abatement Requested	**$802,000** *2

**1 Appellants did not break down their opinion of valuation into land and buildings.*
**2 Appellants' application listed the total property owner's opinion of value at $1,125,000 with an abatement requested amount of $722,000. A letter from the taxpayers' attorney dated 8/7/15 revised these two figures to $1,045,000 and $802,000.*

Appellant's Evidence

1. In support of the taxpayer's position, he submitted the following documents:

- Exhibit A: Letter to the Board of Assessment Review from James Katsiaficas, Attorney for the taxpayers, dated 4/30/15
- Exhibit B: Application for Abatement to the Board of Assessment Review dated 4/23/15
- Exhibit C: Letter to the Board of Assessment Review from James Katsiaficas, Attorney for the taxpayers, relating two changes the taxpayers wanted made to their original application for abatement received back on 5/1/15
- Exhibit D: Letter to the taxpayers from North Haven Board of Assessors Chair Christiane B. Howell dated 3/5/15

- Exhibit E: Application for Abatement to Town of North Haven dated 1/16/15
- Exhibit F: Letter to the Town of North Haven submitted with original application to the Town, along with exhibits (n.d.):
  1. Summarized Email from Davidson Realty Showing MLS Sales on North Haven
  2. Untitled (chart of properties, asking prices, sales prices, assessed values, and annual taxes)
  3. Schedule of Assessed Values and Tax Maps
- Exhibit G: Copy of the Maine Supreme Judicial Court decision in Terfloth v. the Town of Scarborough
- Exhibit H: Appraisal of Real Property located at 506 Main St, North Haven, ME 04856 Book 2191 Page 344 by Terri S. Mackenzie, Pine Tree Appraisal, as of April 1, 2014.
- Exhibit I: Letter dated 10/23/15 responding to the Bucklin Appraisal LLC report dated 9/11/15.

2. In support of the taxpayer's position, he offered the testimony from the following witnesses:
One of the taxpayers, Karen Hendrixson, was present to testify for their party. Their attorney, James N. Katsiaficas testified on their behalf and called Certified Residential Appraiser Terri Mackenzie from Pine Tree Appraisal as a witness. They offered no other witnesses.

3. Overvaluation:
In this appeal, one of the taxpayers' concerns and arguments focused on their belief that the property was substantially overvalued. The evidence of overvaluation the taxpayers presented was primarily based on the taxpayers' view that the subject property has not sold even though the asking price is at about half of the current valuation, and an opinion of value given to the taxpayers by Davidson Realty estimated the value of the property somewhere between $1,000,000 to $1,275,000. The belief that the Town's assessment is "manifestly wrong" is based primarily on the Town's valuation of the subject property being 186.5% of its current asking price of $990,000, which is more than the 10% deviation allowed by law. The taxpayers also believe that the Maine Supreme Judicial Court decision, *Terfloth v. Town of Scarborough*, 2014 ME 57, shows that the Town's legal reasoning is wrong.

4. Unjust Discrimination:
In this appeal, one of the taxpayers' concerns and arguments focused on their belief that the property was the subject of unjust discrimination. The evidence of unjust discrimination the taxpayers presented was primarily based on the taxpayers' view that not only is the Town's valuation manifestly wrong in terms of fair market value, but that the subject property is out of line with the comparable properties in the immediate vicinity.

Town's Evidence

1. The Town of North Haven submitted as evidence the following documents:

- Exhibit A: Document entitled "BRIEF" prepared by Attorney Paul Gibbons
- Exhibit B: A bound set of 12 exhibits as prepared by Attorney Paul Gibbons
- Exhibit C: Letter dated 8/14/15 requesting a hearing continuance
- Exhibit D: Letter dated 10/19/15 with a report from Bucklin Appraisal LLC attached

2. <u>The Town of North Haven offered testimony from the following witnesses:</u>
North Haven Assessors' Agent Tammy Brown and North Haven Attorney Paul Gibbons were present to testify on behalf of the Town. Maine Certified General Appraiser Fred W. Bucklin of Bucklin Appraisal, LLC also testified. The Town offered no other witnesses. North Haven Board of Assessors Chair Christiane Hallowell was present but did not testify.

3. <u>The town certified ratio for the assessment year being appealed:</u>
Assessors' Agent Tammy Brown testified that the State ratio for 2014 is 85% and that the certified ratio for 2014 is 89%.

<u>Finding of Facts</u>

1. The appellants have standing for this appeal by virtue of their ownership of this property.
2. The appeal was timely filed.
3. The Town's certified ratio was 89%.
4. The Town of North Haven has met its burden of equity by the demonstration of its ratio.
5. The written communication between the Town and Appellants was clear.
6. No quantifiable evidence was submitted by the appellants to substantiate the argument that the North Haven Board of Assessors' value was manifestly wrong.
7. The Knox County Board of Assessment Review finds that the appellant's testimony was not persuasive as to the question of burden of proof for overvaluation and unjust discrimination.
8. The Davidson Realty opinion of value does not give credible evidence for value in this case.
9. The Bucklin report is a non-factor in the decision of this Board.
10. Reliance upon the opinion of value in the appraisal does not prove that the assessment is manifestly wrong.
11. The McKenzie (Pine Tree Appraisal) appraisal of the subject property is accepted as credible.
12. The McKenzie appraisal used as evidence by the appellants does not prove that the assessment was manifestly wrong as of April 1, 2014.
13. The reliance of the appellants upon one opinion of value, other than the assessment, does not prove that the assessment is irrational, unreasonable, or manifestly wrong.
14. The Town of North Haven has established that the subject property and similar properties to it were assessed by the same land and building schedules in a similar fashion.
15. The *Terfloth v. Town of Scarborough* case is not pertinent to the case before this Board because the North Haven's Assessors' Agent testified to the evidence referenced in Finding #14, and so there is no need to substitute the appellants' opinion of value for the existing assessment of the subject property.
16. There was no credible evidence given to show that North Haven's waterfront adjustments were wrong.
17. The listing prices of the subject property are not proof of property value.
18. There was no evidence submitted that showed comparisons between assessed values and sales prices.
19. The appellants have not proven that the subject property was treated differently from any other properties in North Haven resulting in an unjust discrimination of value.
20. The appellants have not proven that the assessment is manifestly wrong.

Decision

Based on the Board's review of the written information submitted by the Town of North Haven and Mr. James N. Katsiaficas, Esq., Attorney, on behalf of Ms. Karen Hendrixson and Ms. Sarah Chapman, taxpayers, and after oral presentations by Ms. Tammy Brown, Assessors' Agent for the Town of North Haven, Mr. Paul Gibbons, Attorney for the Town of North Haven, Certified General Appraiser Fred W. Bucklin, James Katsiaficas, Attorney for the taxpayers, Certified Residential Appraiser Ms. Terri S. Mackenzie, and Ms. Karen Hendrixson, taxpayer, the Board determined as follows:

The Board finds that the taxpayer's testimony was not persuasive as to the question of overvaluation or unjust discrimination. The applicant has failed to show proof that the assessment is irrational or so unreasonable in light of the circumstances that the property is substantially overvalued and an injustice results or that there was unjust discrimination. The Knox County Board of Assessment Review therefore finds in favor of the Town of North Haven.

Vote

The Board voted 6 - 0 in favor of the Town of North Haven.

Appeal

You have the right to appeal this decision within 30 days of the decision to the Superior Court of the State of Maine in accordance with 36 M.R.S.A. § 844-M and Rule 80B of the Maine Rules of Civil Procedure.

Sincerely,

BOARD OF ASSESSMENT REVIEW

Marian A. Robinson, Board Chair

Cc: Board of Assessment Review
North Haven Board of Assessors
Paul Gibbons, Esq.
Knox County Commission
File