

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



May 18, 2011

Philip L. Smith, II  
c/o Paul L. Gibbons, Esq.  
P.O. Box 616  
Camden, ME 04843

Re: Tax Abatement Application for property located at:  
Map/Lot 216-030  
250 Harts Neck Road  
Tenants Harbor, Maine  
(April 1, 2010 tax year)

Dear Ms. S. Dorsey Smith,

The Knox County Board of Assessment Review (the "Board") met on Friday, May 13, 2011 at 11:00 a.m. to hear and decide your tax abatement appeal for the above listed residential property and to discuss and adopt this written decision.

You have requested an abatement based on the information below:

Assessed Valuation	Land	\$758,600
	Building	\$189,300
	<b>Total</b>	<b>\$947,900</b>

Owner's Opinion of Current Valuation	Land	\$500,000
	Building	\$245,000
	<b>Total</b>	<b>\$745,000</b>

<b>Abatement Requested</b>	<b>\$202,900</b>
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### **Appellant's Evidence**

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

Exhibit 1: Application for tax abatement submitted to the Town of St. George, dated December 20, 2010, with accompanying enclosures:

- a) Letter from Richard R. Lavoie introducing his appraisal report, dated November 3, 2010.
- b) Appraisal Report done by Richard R. Lavoie
- c) Three-page printout from *Harris RE Online* showing property and building details.
- d) Valuation Report

Exhibit 2: Abatement Denial letter from the Town of St. George, dated February 11, 2011.

Exhibit 3: Application to the Knox County Board of Assessment Review, dated March 29, 2011.

- Exhibit 4: Methodology used by the Town of St. George.
- Exhibit 5: Limitations of the Property
- Exhibit 6: Analysis of the Appraisal Report of Richard R. Lavoie
- Exhibit 7: Substantial Overvaluation – Law
- Exhibit 8: Appraisal Report of Richard R. Lavoie
- Exhibit 9: Photographs of Comparable Sales, which also includes printouts from *MLS* listings online, as well as printouts from *Harris RE Online*, maps of the Town of St. George, and Delorme topical maps for several properties.

3. In support of the taxpayer's position, he offered the testimony from the following witnesses:  
The taxpayer was not present at the hearing. Attorney Paul Gibbons was present on behalf of the taxpayer. He called S. Dorsey Smith's brother, Steve Smith, and Richard Lavoie, appraiser, as witnesses for the taxpayer.
  
4. Overvaluation:  
In this appeal, one of the taxpayer's concerns and arguments focused on his belief that the property was substantially overvalued and the assessment is illegal because it does not reflect "just value" or "market value". The evidence of overvaluation the taxpayer presented was based on the appraisal of the subject property done by Richard R. Lavoie as of April 1, 2010 for the purpose of deriving a market value estimate for property tax abatement considerations.

### **Town's Evidence**

1. The Assessor(s) submitted as evidence the following documents:
  - Exhibit 1: Letter to the Knox County Board of Assessment Review dated May 3, 2011.
  - Exhibit 2: Property Cards and Valuation Reports for neighboring properties, including Philip L. Smith II's property for:
    - a) Map 216 Lot 030
    - b) Map 216 Lot 025
    - c) Map 216 Lot 027
    - d) Map 216 Lot 028
    - e) Map 216 Lot 032
    - f) Map 216 Lot 033
    - g) Map 216 Lot 034
  - Exhibit 3: Property Cards and Valuation Reports for sales of properties with comparable waterfront values.
    - a) Map 230 Lot 057
    - b) Map 213 Lot 069
    - c) Map 213 Lot 079
    - d) Map 216 Lot 028
    - e) Map 101 Lot 004
    - f) Map 203 Lot 039
    - g) Map 209-029-A
    - h) Map 209 Lot 029
  - Exhibit 4: Tax maps: 101, 103, 211, 215, 219, 221, 230, 232, 401
  - Exhibit 5: Property Cards and Valuation Reports for St. George Properties sold – page 32 of the appeal information submitted by Paul Gibbons for Philip Smith, II.
  
2. The Assessor(s) offered the testimony from the following witnesses:  
Robert Gingras, Assessor's Agent for the Town of St. George, represented the Town.

3. The town certified ratio for the assessment year being appealed:  
100%.

## **Decision**

Based on the Board's review of the written information submitted by Mr. Philip L. Smith, II and the Town of St. George Assessors, and after oral presentations by Robert Gingras, Assessors' Agent for the Town of St. George, Steve Smith, brother of S. Dorsey Smith, Richard Lavoie, appraiser, and Paul Gibbons, attorney for the taxpayer, the Board determined as follows:

The Board finds that that the taxpayer's testimony was persuasive on the issue of substantial overvaluation. The Board finds that the Assessors' Agent did use the same methodology consistently to assess the Smith property and those properties that are similarly situated in the neighborhood; however, the Town of St. George did not demonstrate support of a 25% increase in value for a developed lot vs. an undeveloped lot. The taxpayer succeeded in providing evidence that the Assessors' methodology necessarily resulted in substantial overvaluation of the Smith property.

Based upon the foregoing, the Board finds that the taxpayer proved that the assessed valuation of his property was manifestly wrong; therefore, the Board partially grants his request for abatement relating to the April 1, 2010 tax year.

## **Finding of Facts**

1. The appellant has standing for this appeal by virtue of his ownership of this property.
2. The appeal was timely filed with proper materials.
3. The written communication between the Town of St. George and the taxpayer regarding the denial of the appeal and the appeal process was clear.
4. The Town of St. George did not adequately prove that a 25% increase in value for a developed lot vs. an undeveloped lot was an appropriate adjustment.
5. The Mosquito Head lot sales as submitted by the Town of St. George as comparables to the subject lots are considered by the Knox County Board of Assessment Review to not be applicable.
6. The appraisal did not demonstrate any relationship between the valuation of the subject property in the Town of St. George and the comparable property sales in South Bristol.
7. There was no quantifiable demonstration of the value impact on the subject property from the Right of Way easement.
8. There was no quantifiable evidence to show that the current assessment for the building on the subject property is incorrect.
9. The Knox County Board of Assessment Review is specifically addressing the Philip L Smith, II appeal of the assessed valuation and makes no conclusion as to the value of any other parcel in St. George.

10. The Knox County Board of Assessment Review changes the assessed base lot value for the subject property from \$758,600 to a value of \$562,500. This, added to a second acre value of \$2,580 plus the two lot improvements at \$6,000 results in a total land assessed value of \$571,080, rounded to \$571,100. This adjusted amount is based on a 25% reduction of the base lot value.

### Vote

The Board voted 4 - 0 in favor of the tax abatement claim, with 0 opposed (two Board members were absent) and 0 abstaining.

### 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

A handwritten signature in black ink, appearing to read 'Marian A. Robinson', written in a cursive style.

Marian A. Robinson, Board Chairman

Cc: Board of Assessment Review  
Robert Gingras, Assessor's Agent for the Town of St. George  
Knox County Commission  
File