



Knox County
Board of Assessment Review

A meeting of the Knox County Board of Assessment Review took place on Friday, May 2, 2014 at 10:00 a.m. in the Knox County Commission Hearing Room.

Board members in attendance: Lauren Hall Kenniston, Wesley Robinson, Marian Robinson, and Martin Cates.

Board members absent: None. (*Jim Murphy and Tammy Brown were in attendance but representing the Town*).

County Administrative office staff in attendance: Administrative Assistant Candice Richards serving as recording secretary.

Others in attendance: John W. Aldrich and Tracie Rozhon, Taxpayers; Christiane Hallowell, Chair of the North Haven Board of Assessors; Tammy Brown, Assessors' Agent for the Town of North Haven; Paul Gibbons, Esq., Attorney for the Town of North Haven; and consultant James H. Murphy, Jr., C.M.A., witness for the Town of North Haven.

AGENDA

Friday – May 2, 2014 – 10:00 a.m.

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| I. | 10:00 | Meeting Called To Order |
| II. | 10:01 | Opening Remarks by Board Chair |
| III. | 10:10 | Hearing <ol style="list-style-type: none">1. The appeal of John W. Aldrich and Tracie Rozhon from the decision of the Town of North Haven in the matter of the assessment of their property at 165 Middle Road, Map 020 Lot 006.2. The appeal of John W. Aldrich and Tracie Rozhon from the decision of the Town of North Haven in the matter of the assessment of their property at 165 Middle Road, Map 020 Lot 012B. |
| IV. | 11:00 | Board Deliberation & Vote |
| V. | | Other Business |
| VI. | | Adjourn |

I. Meeting called to order

Chair Marian Robinson called the meeting to order at 10:00 a.m.

II. Opening Remarks by Chair

III. Hearing

Address: 165 Middle Road in North Haven, MAP/LOT: 020/006

Appellant's Evidence

The taxpayers requested an abatement based on the following information for the April 1, 2013 tax year:

Current Assessed Valuation	Land	\$269,200
	Buildings	\$23,500
	Total	\$292,700
Owner's Opinion of Current Valuation	Land	\$134,600
	Buildings	\$11,750
	Total	\$146,350
Abatement Requested		\$146,350

Ms. Robinson noted that the request was 50% of the assessment as committed, which is more than 10%.

- Lauren Kenniston motioned that the appellant has standing for this appeal and all materials were timely filed. Martin Cates seconded. A vote was taken with all in favor.

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

- Exhibit 1: Application for Abatement to Board of Assessment Review for 165 Middle Road (Map/Lot 020/006) dated 3/12/14
- Exhibit 2: Document entitled "Owners' Response to the letters dated January 23, 2014, and Signed by Christiane B. Hallowell"
- Exhibit 3: Letter from Christiane B. Hallowell, Chair of the North Haven Board of Assessors, to John Aldrich and Tracie Rozhon dated 1/23/14
- Exhibit 4: Application for Abatement to Town of North Haven dated 12/13/13
- Exhibit 5: Letter from Tammy Brown, Assessors' Agent for the Town of North Haven to Janice Hopkins, Trustee, dated 7/28/11

2. In support of the taxpayers' position, they offered the testimony from the following witnesses:

The taxpayers, John Aldrich and Tracie Rozhon, were the only persons present for their party. They did not offer any 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 fact that the subject property had been on the market prior to the current recession, as well as after, and did not sell despite the price being continually lowered. The subject property was purchased along with Lot 12B for \$350,000, rather than at the assessed total value of \$746,200 (Lot 6 is assessed at \$292,700 and Lot 12B is assessed at \$453,500). Other factors believed to indicate overvaluation are the poor condition of the house and sheds, the proximity to the road, and a new house built on another piece of property which the taxpayers feel destroys the view of the subject property.

Ms. Rozhon thanked the Board for considering their appeal. She said that she was going to address the properties as a whole because that's how she and her husband had bought it – the two parcels together. She read mostly verbatim from the following prepared statement:

Memorandum of Law /Reply to Memo from Paul L. Gibbons
 To: Knox County Board of Assessment Review
 From: Tracie Rozhon and John W. Aldrich, owners, 165 Middle Rd., N. Haven, Me.
 Re: Appeal of Denial of Abatement by John Aldrich and Tracie Rozhon Map 20, Lot 12 B
 Date: April 30, 2014

SUMMARY

The market value of the property at 165 Middle Rd. on North Haven is \$350,000. The property had been for sale for eight years, through prosperous times, and bad. At the time we

bought it, there were no other bids on the table. While Mr. Gibbons contends that sale prices are only one factor in determining value, case law - notably case law cited by Mr. Gibbons himself - suggests it is a highly important one. In fact, as will be shown below, *Shawmut Inn v. Kennebunkport* equates "market value" with the "just value" necessary to assess a property fairly in Maine. Not only that, but in *Terfloth v. Town of Scarborough*, decided by the Supreme Judicial Court of Maine on April 8th, the appeals court overturned an assessment because "the Town substantially overvalued" the property. In a case remarkably similar to ours, the court overturned the denial of the request for a tax abatement.

Although Mr. Gibbons says our use of market value is "manifestly wrong," he does not explain why it is wrong. In fact, the cases he cites actually might well have been cited as proving our point, as we shall relate below.

Mr. Gibbons states the burden of proof is on us to prove we are entitled to an abatement. We accept that burden, and offer the sale price of this property - as well as the assessment of the property next door - as proof. What does Mr. Gibbons offer? He says our argument is manifestly wrong, but what is his rebuttal? The property is worth what it fetched recently in the open market, according to Maine case law.

DISCUSSION

In *Shawmut Inn v. Kennebunkport*, 428 A. 2d. 384, one of the cases cited by Mr. Gibbons, the Court states flatly that:

In Maine the tax assessors are under both a constitutional and statutory obligation to determine the "just value" of taxable property. "Just value" is the equivalent of "market value." (At 389).

In *Terfloth v. Town of Scarborough*, 2014 WL 1365948, (decided April 8, 2014), the court cited the declining asking price of the subject property, beginning with its listing in June, 2006 for \$6.2 million. By the time the petitioner bought the property, the asking price had slipped to \$2.9 million; he paid \$2,435,000). The court noted that the petitioner "is not related to the sellers and did not purchase the property at an auction or in a foreclosure sale." The assessor valued the property at \$3,503,800. (Quoting from the opinion at Point [2]).

The court found the property to be "substantially overvalued", and vacated the lower court's judgment. (*Id.*, at 1).

The Board will note here that the proportion between the price petitioner paid in *Terfloth* was proportionately much less different than the proportion between our sale price -- \$350,000 - versus the Town of North Haven's assessment of \$746,000, which is more than double.

We, as co-owners, aver, and can call witnesses if necessary, to state that this was a purchase and sale on the open market, after the property had remained unsold and virtually abandoned for eight years. To show that the assessment is wrong, according to *Shawmut Inn*, it is necessary to show the property is substantially overvalued and an injustice results. If, as *Shawmut* clearly states, just value is the equivalent of market value, then the just value of the property is \$350,000, which is what we paid. "Just value" is the standard for assessing property in Maine, according to *Shawmut* and other cases.

Mr. Gibbons' argument about two pieces of property fails because the property was purchased as one property, for the aforementioned \$350,000. Thus, the total assessment of \$746,200 is "substantially overvalued." To further drill down on the reason for such a high assessment is interesting - and will be detailed below - but not entirely relevant here. If the fair market value is \$350,000, the town may distribute it between the two parcels as they think fair but the resulting assessment must be \$350,000 or less.

The other case that Mr. Gibbons cited, *Wesson v. Town of Bremen*, 667 A.2d 596, also serves to prove our point. In Footnote 5 of the decision, the Court explained that the Petitioners' "data was flawed because it was based on asking prices, not sale prices of property."

Here our petition is clearly based on the sale price of a property that had sat on the market for eight years, through good financial times and bad.

The *Wesson* case cited by Mr. Gibbons also notes that "the sale price of property is evidence of market value, which is used in determining property value for tax assessment purposes." (Also Footnote 5).

In addition to the two cases cited by Mr. Gibbons, we also bring forth a recent case from the Maine, *Terfloth v. Scarborough*, as cited above.

Terfloth, decided April 8th of this year, reiterates earlier case law and finds that "the sale price of property is probative of its market value." In fact, the discussion portion of the opinion begins with the statement that "the Maine Constitution provides that all taxes upon real and

personal estate, assessed by authority of this State, shall be apportioned and assessed equally according to the just value thereof (quoting the Maine Constitution, Article IX, Sect. 8 and also *Chase v. Town of Machiasport*, 1998 ME 260, 721 A.2d 636). "First, the property must be assessed at its fair market value." (*Id.*)

Most importantly, and in comparison to our own case, the court wrote that the Board had made an error in finding that the petitioner had not purchased his property at an arms' length transaction and:

This factual error, together with the assessor's insistence that there be more local sales, even in a sluggish market...led the Board to disregard the importance of the sale price of Terfloth's property in determining its fair market value and to conclude that Terfloth's property was not substantially overvalued. Thus, contrary to the Board's conclusion, the evidence compels the conclusion that Terfloth's property was substantially overvalued. (At 16.)

Just as tellingly, the appeals court, in analyzing the assessment, added that:

Moreover, contrary to the Town's argument, the property's presence on the market for three years before Terfloth purchased it - including for six months at a price lower than its assessed value - further indicates that its sales price is more representative of its market value and that the Board erred in finding the contrary. (At 18).

In the case of 165 Middle Road, the property had been on the market for eight years, its price gradually falling. When we bought the property, it had been for sale for \$399,000. According to realtor Wesley Reed of Jaret and Cohn, the listing broker, there had been no other offers on the property at that price.

Although the court said in *Terfloth* that the price from an arms' length sale is not always dispositive of the property's fair market value, the Board gave "too little weight to the sale price as representative of the property's fair market value." The court then quoted from *Town of Southwest Harbor v. Harwood*, 763 A.2d 115: "The arms' length sale price of a property provides the best evidence of market value." (At 19).

In our case, no one has even suggested that the property was not purchased in an arms' length transaction. The property had also been on the market much longer than the Terfloth property and did not sell even in prosperous times. Thus, according to this most recent decision, the property at 165 Middle Road must be "substantially overvalued."

The denial letter from Christie Hallowell, the chairman of the board of assessors, stated that we did not know whether the land across the street was buildable, which, to us, is a side issue but one we are also able to discuss. We will present a scaled drawing of our property bordering the Salt Pond and Upper Pulpit Harbor, which shows that is highly unlikely could be built on either piece property because of the town's zoning ordinances and the state's shorelands laws. In the assessment of our neighbor, Adam Campbell, such property is assessed at \$103,000 an acre. Ours, also virtually unbuildable, is valued at \$225,000 an acre. We verified its unbuildable quality on April 30, 2014 in a telephone conversation with Paul Quinn, North Haven's code officer. Mr. Quinn said that he is familiar with the property, and joked that we could only build a 12 foot wide house; in the past, he has said that perhaps we could build a gazebo, but not a house.

But we find that argument unnecessary, because case law so clearly equates "just value" with "market value," and *Terfloth* clearly indicates that an actual sale price - in this case, one that had been substantially reduced over the years and was purchased in an "arms length" sale is highly determinative of an assessed value.

Terfloth, the Maine case decided most recently, presents a telling similarity to our case; the court vacated the assessment - which was proportionally less inflated than the one in the case of 165 Middle Road in North Haven. We paid \$350,000. Our assessment is \$146,200, more than double.

SUMMARY

If "just value" is equal to "market value," as the court in *Shawmut* said, then the market value for 165 Middle Road is clearly set at \$350,000, and that is what our assessment should be. In cases where there is no sale price - either not for sale or just an asking price - the matter is more opaque. But in cases like ours, where the sale price is definite and recent and arms' length, the just value of the property for assessment purposes is clear, and easily defined. Thank you for your consideration of this matter.

Martin Cates noted that he wanted to make sure it was clarified that the \$746,000 is the total assessment of both properties combined, whereas the Board is only looking at the assessment of one parcel at the moment (Lot 6), with an assessment of \$292,700.

Town's Evidence

1. The Assessors submitted as evidence the following documents for Map/Lot 020/006:
 - Exhibit A: Cover Letter to Board of Assessment Review from Attorney Paul Gibbons dated 4/18/14
 - Exhibit B: Document entitled "BRIEF" prepared by Attorney Paul Gibbons
 - Exhibit C: A bound set of 18 exhibits as prepared by Attorney Paul Gibbons.
2. The Assessors offered the testimony from the following witnesses:

Tammy Brown, Assessors' Agent for the Town of North Haven, Christiane Hallowell, Chair of the Board of Assessors for the Town of North Haven, consultant James H. Murphy, Jr., C.M.A., and Paul Gibbons, Attorney, represented the Town. They offered no other witnesses.
3. The town's certified ratio for the assessment year being appealed:

Assessors' Agent Tammy Brown testified that the certified ratio for 2013 is 89%, the base ratio of the State is 82%, and that the quality rating is 22.

Attorney Paul Gibbons stated that Market Value and Just Value are the same thing, which is not an issue in this case. The burden is on the taxpayer to prove their property is substantially overvalued. While the sale price of the property is relevant, it is not the only factor in determining if the assessment is correct. In the *Terfloth* case, the court said (*Page 13, Paragraph 2 of Maine Supreme Judicial Court's decision in the case of Marc B. Terfloth v. Town of Scarborough*):

"Although we have not held, and do not hold today, that the price from an arm's-length sale is dispositive of a property's fair market value, the Board's factual error regarding the arm's-length nature of Terfloth's purchase caused it to give too little weight to the sale price as representative of the property's fair market value."

Attorney Gibbons stated that just because you have a sale, that's not enough. He said that what happened to Terfloth is remarkably different than the Aldrich/Rozhon case. In the Terfloth case, the Town of Scarborough had assessed the property in 2005 and hadn't adjusted it until 2010/2011, even though everyone recognized that the market took a turn downhill in 2008. Mr. Terfloth bought the property in 2009 and showed as evidence a series of sales with the asking price being reduced, not by making statements himself, but by evidence that he submitted that proved it. Attorney Gibbons stated that if members of this Board look in their packet of information they received from the taxpayers, they will find that the taxpayers haven't supplied any documentary evidence on the asking prices for the previous seven years. He said he would argue that if the asking price is substantially lower on multiple sales then there'd be a problem, but the taxpayers in this case did not provide documentary evidence of their argument. The taxpayers' argument is that they paid a single price for two parcels of property and that alone distinguishes it from every other case in the State of Maine. The taxpayer has to show the breakdown for each separate parcel. The taxpayers can say they didn't have to do that, but the Transfer Tax *requires* it. That evidence was probably available but it wasn't submitted to the Board. The issue is, what is the value of one property as compared to the other. Without that information, you don't have a case. On that point alone, their argument fails. The case of *Terfloth* is not relevant because North Haven has done several revaluations since 2005 and the taxpayers have not shown enough sales. The Scarborough assessor was lazy and the case was completely negligent so it's just not comparable to this case. Attorney Gibbons noted that the Town would show the Board how a consistent methodology is used in assessing these properties. He asked the Town's Assessors' Agent, Tammy Brown, to give a breakdown of how the Town had assessed the property.

Assessors' Agent Tammy Brown referred the Board to Exhibit 7, pages 9 – 10, which she said shows how the property has been assessed since 2002. For 2011, which is the year in which Ms. Rozhon and Mr. Aldrich purchased the property, the land value hadn't changed at all; however, from 2012 to 2013, changes were made to the building value due to deterioration of the building. There have been visits to their property and considerations made for that. Exhibit 4 on page 5 is the tax map. The Town is trying to be consistent in the assessments. Neighborhoods are assessed in like manner. The subject property did sit on the market for a long time, but there *had* been several offers made on the property over the years, including an offer of over \$1,000,000, which is a much higher value than what the Town has it assessed for, but when the Trustee of the property went to the family and relayed the offer, the family had the trustee go back with a counter offer, which resulted in the original offer by the party interested in purchasing the property being withdrawn. Other than the sale price of the property itself, the taxpayer did not do any research on sales or offer any other evidence. There are so few sales on North Haven that the Town's sales study goes back several years. Ms. Brown added that she tries to get as much information out to the taxpayers as she can when they ask for it, but these taxpayers never really asked questions or asked for information.

Attorney Gibbons asked Jim Murphy to explain his background. Mr. Murphy stated that he is the owner of Murphy Appraisals and that he does contract assessing in the mid-coast area. He said that he had reviewed the assessing practices of North Haven for the year 2011. He noted that North Haven has very few sales on which to base their assessments. The lack of sale data causes a lot of difficulties for the Town. In his review of their assessing practices, he found that they are consistent. He noted that while there seems to be a lot of supporting data in the village area, there is less supporting data for the non-village area. Attorney Gibbons asked Mr. Murphy if he would do an abatement for a taxpayer that asked for an abatement based on the total they paid on two parcels. Mr. Murphy replied that he would not because each parcel is assessed separately. The sale price of the property *affects* the assessment, but does not *control* it.

Ms. Rozhon referred to Attorney Gibbons' comment earlier in which he had stated that in the *Terfloth v. Town of Scarborough* case, the property as going down in value, but that he believed this was not true in the Aldrich/Rozhon case. She said that she wanted to know why he felt that way. She noted that Attorney Gibbons had also said that she and her husband did not have documentary evidence but it was her understanding that their testimony was evidence. She stated that in the *Terfloth* case, you see the diminution of value over time, which she stated is what happened to her own property. She agreed that it was true that they did not ask Ms. Brown for comparables. Instead, they had asked real estate professional Wesley Reed, who can access the whole MLS, for his opinion and he told them that there really weren't any other comparables because the other sales on North Haven were more expensive properties on the water that were in good shape. She said that the house on her own property is pretty much a wreck. She added that while the *Terfloth* case states that the sale of the property doesn't completely define the assessed value, it is definitely probative of it. She felt that the *Terfloth* case was very similar to her own case because of the price going down over time and the fact that their purchase of the property was far lower than the assessment. She reiterated that "just value" is the equivalent of "market value".

Attorney Gibbons remarked that the purpose of providing exhibits is to show evidence of your position, but the Town did not know about some of the statements Ms. Rozhon was going to make at the hearing. He noted that the main problem is that there are two parcels of property, not one.

Ms. Rozhon responded by stressing the point that they had bought the two pieces of property together for one price. She said that she was not as concerned with the larger property with the house on it as she was about the other parcel. She said she understand that the Board was considering the parcels separately but asked the Board to keep in mind that she and her husband did buy the two parcels together for one price.

North Haven Board of Assessors Chair Christiane Hallowell commented that over time, there have been situations where properties have sold in the opposite circumstances of this case, in which the assessed value was far lower than the sale price, and that did not change the assessed value of that property, nor did it change the assessed value of like properties.

Attorney Gibbons stated that the taxpayers didn't submit relevant evidence that the sale of their property should result in the abatement they are asking for. Sometimes the sale price, when you're talking about property with a trustee and multiple heirs that don't agree on a price, is less about the assessment of the property and more about what the property owners are willing to accept for an offer. It's not proof that the property value is going down.

Ms. Rozhon responded by reminding Attorney Gibbons that even Ms. Brown had said that the asking price had been higher but had gone down over time. She noted that she has not seen the documentary proof that an offer was made of \$1,000,000 for the property. That might have been during very good times for property sales.

Attorney Gibbons stated that if the Town's mentioning of the million dollar sale doesn't count as evidence, then all the points Ms. Rozhon had said today doesn't count as evidence either because it was not provided to the Board in their application materials. He said that includes whatever Ms. Rozhon was talking about with regards to a Wesley Reed because she did not provide the Board or the Town any of that information, that's not admissible too.

Ms. Brown explained that the only reason she had brought up the \$1,000,000 offer, even though she had not submitted written evidence of it, was because she works in the office along with the trustee who worked with the broker on that offer. She said she wasn't throwing it out there on a whim as something that could not be substantiated. She said that it's possible that the taxpayers may have not known about that. She agreed that it couldn't be submitted as evidence since it's not in the Town's packet of evidence.

Upon being asked, Ms. Brown testified that the certified ratio for 2013 is 89%, the base ratio of the State is 82%, and that the quality rating is 22. We use Trio

Hearing closed at 10:49 a.m. The Board deliberated on Findings of Fact and their Decision.

Hearing came back to order at 11:09 a.m.

Address: Middle Road in North Haven, MAP/LOT: 020/012B

Appellant's Evidence

The taxpayer requested an abatement based on the following information for the April 1, 2013 tax year:

Current Assessed Valuation	Land	\$453,500
	Building	\$0
	Total	\$453,500
Owner's Opinion of Current Valuation	Land	\$226,750
	Building	\$0
	Total	\$226,750
Abatement Requested		\$226,750

Ms. Robinson noted that the request was 50% of the assessment as committed, which is more than 10%.

1. In support of the taxpayers' position, they submitted the following documents:

- Exhibit 1: Application for Abatement to Board of Assessment Review for Middle Road (Map/Lot 020/012B) dated 3/12/14
- Exhibit 2: Document entitled "Owners' Response to the letters dated January 23, 2014, and Signed by Christiane B. Hallowell"
- Exhibit 3: Letter from Christiane B. Hallowell, Chair of the North Haven Board of Assessors, to John Aldrich and Tracie Rozhon dated 1/23/14
- Exhibit 4: Application for Abatement to Town of North Haven dated 12/13/13
- Exhibit 5: Letter from Tammy Brown, Assessors' Agent for the Town of North Haven to Janice Hopkins, Trustee, dated 7/28/11

2. In support of the taxpayers' position, they offered the testimony from the following witnesses:

The taxpayers, John Aldrich and Tracie Rozhon, were the only persons present for their party. They did not offer any 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 fact that the subject property had been on the market prior to the current recession, as well as after, and did not sell despite the price being continually lowered. The subject property was purchased along with Lot 006 for \$350,000, rather than at the assessed total value of \$746,200 (Lot 6 is assessed at \$292,700 and Lot 12B is assessed at \$453,500). Other factors believed to indicate overvaluation are taxpayer's view that the land is "unbuildable", the inclusion of a portion of the dam in the parcel, the fact that a neighboring property (Lot 12A) is assessed at about half of the subject property, and the obligation to maintain a right of way for use by neighboring owners.

In support of her case, Ms. Rozhon reread portions of her prepared statement read into record earlier in the hearing that she felt applied to both the specific parcel being discussed and issues in general (*see pages 2 - 4 of these minutes for the whole statement*). She noted that she and Mr. Aldrich didn't know the sellers and didn't know what other offer amounts had been made for the property. She said that when they bought the property, the asking price was \$399,000 and there were no other offers on the table. She said they did not know that the land was not buildable when they bought it. She asked Board Chair Marian Robinson for permission to show a drawing of the property to the Board to show how the property is not buildable. Ms. Robinson gave her permission to do so after asking the Town's representatives if they were okay with that. Ms. Rozhon stated that she checked with Paul Quinn, who is North Haven's Code Enforcement Officer, and was told that the only thing they could build on the property was a gazebo because there isn't enough land to build a house on it. She commented that Adam Campbell's property (12A), which abuts her property on the Mill Pond, is also unbuildable but is valued at half the value of the subject property.

Lauren Kenniston asked Ms. Rozhon if it was her argument that the property value is 225,750. Ms. Rozhon stated that the Campbell's property is also unbuildable but is valued at about half as the subject property and that this was her argument. She added that the land across the street also contains the right-of-way so she has a road in front of her property so if the land across the road sells and more houses are built, there will be more traffic going in front of her property.

Town's Evidence

1. The Assessors submitted as evidence the following documents for Map/Lot 020/012B:

- Exhibit A: Cover Letter to Board of Assessment Review from Attorney Paul Gibbons dated 4/18/14
 - Exhibit B: Document entitled “BRIEF” prepared by Attorney Paul Gibbons
 - Exhibit C: A bound set of 19 exhibits as prepared by Attorney Paul Gibbons.
2. The Assessors offered the testimony from the following witnesses:
Tammy Brown, Assessors’ Agent for the Town of North Haven, Christiane Hallowell, Chair of the Board of Assessors for the Town of North Haven, consultant James H. Murphy, Jr., C.M.A., and Paul Gibbons, Attorney, represented the Town. They offered no other witnesses.
 3. The town’s certified ratio for the assessment year being appealed:
Assessors’ Agent Tammy Brown testified that the certified ratio for 2013 is 89%, the base ratio of the State is 82%, and that the quality rating is 22.

Attorney Gibbons stated that there was the same problem with this lot as there was with the other lot. The taxpayers have not provided any evidence that shows how they arrived at their abatement request. They purchased two properties together but lots are assessed separately. He said that the taxpayers didn’t meet their burden to show that the property is not assessed correctly. He added that the taxpayers’ attempt to say that their property is similar to the property next door fails because the Campbell’s lot is much different. He said that “just” in the term “just value” doesn’t mean “fair”. The problem is how you show what a property will sell for on an open market. An appraisal would help show that.

Attorney Gibbons asked Mr. Murphy if he had a chance to see the property. Mr. Murphy answered no but said that he has seen the tax maps and examined the sales ratios of the Town.

Ms. Kenniston asked if the right of way has any effect on the value of the lot. Ms. Brown said that the Town did take that into consideration. Ms. Rozhon asked how was that built in to the assessment. Ms. Brown replied that there are many properties that have right-of-ways; it’s just not spelled out separately as a discount.

Hearing ended at 11:44 a.m. The Board deliberated on Findings of Fact and their Decision.

IV. Board Deliberation & Vote

Findings of Fact – Lot 6

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% and the quality rating was 22.
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 Assessors’ Agent and North Haven Board of Assessors considered all three approaches to value (cost, market, and income).
8. 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, unjust discrimination, or that the assessment is fraudulent, dishonest, or illegal.

- **A motion was made by Lauren Kenniston to accept these as the Findings of Fact. The motion was seconded by Martin Cates. A vote was taken with all in favor.**

Decision

- **Martin Cates motioned that the appellant has failed to show proof of comparable properties and that the assessment is irrational or so unreasonable in light of the circumstances that the property is substantially overvalued and an injustice results, there was unjust discrimination, or the assessment is fraudulent, dishonest, or illegal. Lauren Kenniston seconded the motion. A vote was taken with all in favor.**

The Knox County Board of Assessment Review therefore finds in favor of the Town of North Haven.

Findings of Fact – Lot 12B

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 has established that the subject property and similar properties were assessed in a similar fashion.
4. The Town's certified ratio was 89% and the quality rating was 22.
5. The Town of North Haven has met its burden of equity by the demonstration of its ratio.
6. The written communication between the Town and Appellants was clear.
7. No quantifiable evidence was submitted by the appellants to substantiate the argument that the North Haven Board of Assessors' value was manifestly wrong.
8. The Town's Assessors' Agent testified that the right-of-way was considered in the property's assessment.
9. No sale price or other evidence of Lot 12B was submitted.
10. The Board agrees that case law equates sale price with just value but no value is proven by evidence for the just value of the individual lot.
11. No evidence, documentary or otherwise, was submitted to prove that the lot is unbuildable.
12. 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, unjust discrimination, or that the assessment is fraudulent, dishonest, or illegal.

- **A motion was made by Lauren Kenniston to accept these as the Findings of Fact. The motion was seconded by Martin Cates. A vote was taken with all in favor.**

Decision

- **Martin Cates motioned that the appellant has failed to show proof of comparable properties and that the assessment is irrational or so unreasonable in light of the circumstances that the property is substantially overvalued and an injustice results, there was unjust discrimination, or the assessment is fraudulent, dishonest, or illegal. Lauren Kenniston seconded the motion. A vote was taken with all in favor.**

The Knox County Board of Assessment Review therefore finds in favor of the Town of North Haven.

V. Other Business

VI. Adjourn

- A motion was made by Martin Cates to adjourn. The motion was seconded by Lauren Kenniston. A vote was taken with all in favor.

Meeting adjourned 11:57 a.m.

Respectfully Submitted,

Candice Richards
Administrative Assistant
Board of Assessment Review Recording Secretary