

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



May 18, 2011

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

Re: Tax Abatement Application for property located at:
Map/Lot 213-070
340 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 10:00 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	\$764,600
	Building	\$261,900
	Total	\$1,026,500

Owner's Opinion of Current Valuation	Land	\$500,000
	Building	\$225,000
	Total	\$725,000

Abatement Requested	\$301,500
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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.

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, she 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 her 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 S. Dorsey Smith's property for:
- a) Map 213 Lot 070
 - b) Map 213 Lot 069
 - c) Map 213 Lot 071
 - d) Map 213 Lot 072
 - e) Map 213 Lot 073
 - f) Map 213 Lot 074
 - g) Map 213 Lot 075
 - h) Map 213 Lot 076
 - i) Map 213 Lot 077
 - j) Map 213 Lot 078
- 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 S. Dorsey Smith.

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 Ms. S. Dorsey Smith 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 Ms. 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 her property was manifestly wrong; therefore, the Board partially grants her 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 her ownership of this property.
2. The appeal was timely filed and only materials submitted in a timely manner were considered.
3. The assessed value of the subject property:

Land	\$764,600
Buildings	\$261,900
Total:	\$1,026,500

The abatement requested is \$301,500, resulting in an assessment of:

Land	\$500,000
Buildings	\$225,000
Total:	\$725,500

4. The Town of St. George has established that the subject property and similar properties to it were all assessed by the same land schedules in a similar fashion, but that the practice did not result in satisfactory equity.
5. The written communication between the Town of St. George and the taxpayer regarding the denial of the appeal and the appeal process was clear.

6. The Town of St. George did not demonstrate support of a 25% increase in value for a developed lot vs. an undeveloped lot.
7. No market evidence of land value difference due to dock potential.
8. Gross/Net adjustments are not applicable.
9. Cost approach was considered but not used.
10. The land value is supported by the appraisal.
11. The evidence as of April 1, 2010 that best supports the land value of the subject property was the appraisal submitted by Richard R. Lavoie.
12. The Knox County Board of Assessment Review is specifically addressing the S. Dorsey Smith appeal of the assessed valuation and makes no conclusion as to the value of any other parcel in St. George.
13. The Knox County Board of Assessment Review changes the assessed base lot value for the subject property to a value of \$562,500. This, added to a second acre value of \$6,000 plus the 1.32 acres rear land at \$2,640 plus the two lot improvements at \$6,000 results in a total land assessed value of \$577,140, rounded to \$577,100. This adjusted amount is based on a 25% reduction of the base lot value. Therefore, the total assessed value for this parcel becomes \$839,000 for April 1, 2010.

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



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