

**OFFICIAL NOTICE
DECISION OF BOARD OF CIVIL AUTHORITY**

To: Michael Minkoff/Melanie Maytin
10 Howes Place
Brookline, MA 02446

Appellant notified by certified mail on:
August 1, 2018

Your appeal to the Board of Civil Authority concerning the appraisal of your property, identified in the Grand List Book with school property account number (SPAN): 327-102-10010 has been given careful consideration, with the following results:

Result of Grievance:

Value(s) Set by BCA:

Total Listed Value	\$ <u>370,000*</u>
Nonresidential Allocation	
Homestead Allocation	<u>370,000</u>
Housesite LV	

Total Listed Value	\$ <u>370,000*</u>
Nonresidential Allocation	
Homestead Allocation	<u>370,000</u>
Housesite LV	

*If the parcel is enrolled in the use value appraisal program, the BCA must establish the contributory values as required by 32 V.S.A. §3756. Use attachment or a copy of the current use printout the listers filed with PVR with any changes made by the BCA.

Date Appeal Filed: June 29, 2018

B.C.A. Hearing Notice Date: July 6, 2018

Date, Time, Place of B.C.A. Hearing: Wednesday, July 18, 2018 at 6:00 P.M. at Jay Town Clerk's Office.

B.C.A. Members Present: David Sanders, Tara Morse, Carol Loux, Lynnette Deaette, Roseanne Beaudry, Arnold Cota Jr, Shirley Talbot, Le-Ann Tetrault.

Appearing for Listers: Arlene Abadi, Kurtis Johnson, Ronald Kapeluck

Appearing for Appellant: Katelyn Ellerman (MSK Attorneys)

Summary of Testimony/Argument By:

Appellant: 1. Not fair market value. 2. There was no seller distress. 3. Believes Fair Market Value is \$339,000.

Listers: 1. Listers card given to board with a copy of Analysis Report. 2. Square footage is 1,525. 3. Unit built 1992. 4. Market Analysis gives unit a B+ grade, average condition. 5. Unit is a townhouse style end unit consisting of two bedrooms and two bathrooms in average condition. There is a single gas fired fireplace and the unit is heated with forced hot water. The property has good proximity to ski trails. 6. Bill from NEMRC submitted an assessment using the one comparable sale with a new Market Value given of \$370,000.

Property Inspected By: Carol Loux, Tara Morse, Le-Ann Tetrault, and David Sanders
Date of Inspection: Wednesday, July 18, 2018 @ 7:30 P.M.

Report of Inspection Committee:
See Attached

Board's Decision with Reasons:

It was determined by the BCA that the appellant's request to lower their assessed value to \$339,000 is without merit.

The BCA sustains the Lister's reassessed value of the unit at \$370,000. This assessment is based on the market analysis completed after the first grievance hearing with Katelyn E. Ellerman representing Michael Minkoff and Melanie Maytin. At that time the listers lowered the assessed value from \$441,500 to \$370,000; a reduction of \$71,500 which is a 17% decrease.

Ms. Ellerman again representing the appellant, maintained that the fair market value of the unit is on a Bona Fide sale of \$339,000 and as such, the assessed value should be reduced accordingly. The BCA was not able to determine that the sale was a Bona Fide or an "arm's length" transaction due to conflicting affidavits regarding the condition of the sale as well as an e-mail regarding the seller's health issues. Additionally, the sale of a B+ / Average condition unit 25% below the 36 month average assessed value is not considered a "good" sale.

The unit has several maintenance issues as noted by the appellant and the BCA inspection team. However, a price concession of \$30,000 on the part of the seller, occurred between August 30, 2017 and September 12, 2017, followed by a significant rental period by the buyer prior to the final sale. We believe the maintenance issues were understood and adequately compensated for in the sale price. Appropriate maintenance will restore the unit to its full market assessed value of \$370,000.

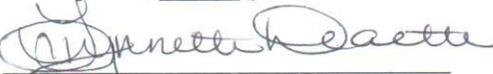
To determine market value and avoid "chasing sales", the Town's listers average sales over a 36-month period. The goal is to produce a stable common level of appraisal at 100%. The most compelling sale, was on June 8, 2017 for a similar unit at North Village Road C112 for \$400,000 (assessed @ \$434,800). This unit is in fact, the mirror opposite end unit in the same building as the Minkoff/Maytin unit. The major differences between the two units are that the comparable unit is located closer to the ski trails than the Minkoff/Maytin unit and it has three bedrooms while the Minkoff/Maytin unit has two. Both units have approximately 1525 square feet of finished living area. For valuation purposes, the listers place more value on living space than number of bedrooms.

The BCA supports the Listers reassessed value of \$370,000 as appropriate, constituting a fair market value for the unit and denies the appellants request to reduce the value to \$339,000.

Certificate: I hereby certify that this is a true record of the action taken on this appeal by the Board of Civil Authority of the town/city.


_____, Chairperson
Board of Civil Authority

Filed in the town/city clerk's office on August 1, 2018 at 8:30am.
to be recorded in the Grand List Book of April 1, 2018 (year).

Attest: 

Town/City Clerk

Pursuant to Title 32, V.S.A., section 4461, if you are aggrieved by this decision you may appeal either to the Director of the Division of Property Valuation and Review or to the Superior Court of the county in which the property is situated. The appeal to either the director or the superior court is governed by Rule 74 of the Vermont Rules of Civil Procedure and is commenced by filing a notice of appeal with the town clerk within 30 days of the day this decision was mailed to you by the town clerk (date of entry noted on reverse). The town clerk transmits a copy of the notice to the director or to the superior court as indicated in the notice and shall record or attach a copy of the notice in the grand list book.

Be sure your appeal indicates which avenue of appeal you wish to pursue (court or director), clearly identifies the property under appeal, and is accompanied by the correct filing fee. The appeal to the Superior Court shall be accompanied by a \$250 fee for each parcel being appealed; the fee is \$70 per parcel on appeal to the Director. If the property under appeal is enrolled in the use value appraisal program, please indicate that in your appeal. If the property under appeal contains a homestead, please include that information.

Attachment U

ATTACHMENT USE VALUE APPRAISAL

Appeal of Michael Minkoff & Melanie Maytin SPAN# 327-102-10010

The subject property has land and/or buildings enrolled in the use value appraisal program in accord with 32 V.S.A. Chapter 124. The contributory values have been established in accord with 32 V.S.A. §3756(d)(1).

	NonRes	Homestead
Contributory Value of Dwellings and Non-Farm Buildings:	<u>370,000</u>	<u> </u>
Contributory Value of Farm Buildings	<u> </u>	<u> </u>
Contributory Value of Excluded Land	<u> </u>	<u> </u>
Contributory Value of Enrolled Land	<u> </u>	<u> </u>
 Total Listed Value	 <u>370,000</u>	 <u> </u>