

COMMONWEALTH OF MASSACHUSETTS

APPELLATE TAX BOARD

ADITYA DHARAPURAM KRISHNAMOORTHY, v. BOARD OF ASSESSORS OF
SHRUTI IYER THE TOWN OF STOW

Docket No. F353002

Promulgated:
June 18, 2025

This is an appeal originally filed with the Appellate Tax Board ("Board") by Aditya Dharapuram Krishnamoorthy and Shruti Iyer ("appellants") under the informal procedure pursuant to G.L. c. 58A, § 7A and G.L. c. 59, §§ 64 and 65 from the refusal of the Board of Assessors of the Town of Stow ("appellee" or "assessors") to abate taxes on real estate assessed to Phu Linh and Shearin Andrew for fiscal year 2024 ("fiscal year at issue").¹ In accordance with G.L. c. 58A, § 7A, the assessors timely elected to have the appeal heard under the formal procedure. See G.L. c. 58A, § 7.

Chairman DeFrancisco heard the appeal. Commissioners Good, Elliott, Metzger, and Bernier joined him in the decision for the appellants.

These findings of fact and report are made by the Board on its own motion.

Shruti Iyer, pro se, for the appellants.

Kristen Fox, Assessor, for the appellee.

¹ The appellants purchased the property that is the subject of this appeal on June 23, 2023, from Phu Linh and Shearin Andrew. In accordance with G.L. c. 59, § 59, the appellants are treated as the assessed owners and may prosecute an abatement action.

FINDINGS OF FACT AND REPORT

Based on testimony and documents admitted into evidence during the hearing of this appeal, the Board made the following findings of fact.

The property at issue is a 2.96-acre parcel improved with a colonial-style, single-family residence containing 3 bedrooms, 3 bathrooms, and 2,716 square feet of living area located at 276 Harvard Road in Stow ("subject property"). The appellants purchased the subject property on June 23, 2023, for \$898,300.

For the fiscal year at issue, with a valuation and assessment date of January 1, 2023, the assessors valued the subject property at \$928,000 and assessed a tax thereon, at a rate of \$16.97 per \$1000, in the total amount of \$16,169.69, inclusive of a Community Preservation Act ("CPA") surcharge. The appellants timely paid the tax due without incurring interest.

On January 30, 2024, the appellants timely filed an abatement application, which the assessors denied on April 9, 2024, without conferring with the appellants or providing an explanation for the denial. On July 8, 2024, the appellants timely filed their appeal with the Board. On the basis of these facts, the Board found and ruled that it had jurisdiction to hear and decide this appeal.

At the outset of the hearing, the presiding Board member asked the testifying assessor ("assessor") whether she had considered, or would consider, settling the appeal, given that: (1) the assessor had acknowledged that home values in Stow were appreciating between

the January 1, 2023, valuation date and the June 23, 2023, purchase date; (2) the assessed value of \$928,000 exceeded the \$898,300 price paid by the appellants; and (3) factoring in an appreciation rate between the valuation and purchase dates resulted in an indicated value as of the assessment date that exceeded the property's assessed value.

In response, the assessor did not directly address the subject property's fair cash value on the assessment date, instead stating that: (1) the Massachusetts Department of Revenue ("DOR") only requires, for mass appraisal and certification purposes, that assessments be within 90 to 110 percent of fair cash value and the this assessment was within that range; (2) the sale of the subject property occurred in 2023 and the assessors consider calendar year 2022 sales to be the relevant period for setting fiscal year 2024 values;² and (3) the assessor had no authorization from the assessors to resolve the appeal through settlement. In light of the assessor's refusal to consider resolving the appeal, the evidentiary hearing continued.

Ms. Iyer credibly testified on behalf of the appellants. She stated that she had made several attempts to discuss the subject assessment with the assessors throughout the abatement and appeal process, all of which the assessors rejected without an explanation.

²Later, during cross examination conducted by Ms. Iyer, the assessor acknowledged that the DOR allows consideration of sales within six months after the assessment date.

She also offered to pursue mediation with the assessors in accordance with the Board's Rules under 831 CMR 1.18, but the offer was rejected, again without explanation.

Ms. Iyer went on to describe her purchase of the subject property. She and her husband had been looking and saving for their first home for approximately four years when they made an offer on the subject property. She credibly testified, with support from an excerpt from Multiple Listing Service entries, that the subject property was originally listed for sale in April of 2023 for \$924,900. There were multiple offers, and the subject property was under agreement as of May 2, 2023, but the buyer backed out. The subject property went back on the market in May of 2023.

Ms. Iyer was advised by the seller's broker that there were multiple offers for the subject property and that the appellants had to make their best offer if they wanted to secure the subject property. Having considered this advice, they offered \$898,300, which the sellers accepted.

On the basis of the foregoing, and in the absence of any evidence to the contrary, the Board found and ruled that the appellants purchased the subject property in an arm's-length transaction on June 23, 2023.

After testifying concerning the purchase of the subject property, Ms. Iyer reviewed seventeen sales of single-family homes in Stow. These sales were provided by the town in response to the

appellants' interrogatories asking for 2022 sales that the assessors considered comparable. Upon investigation, the appellants determined that these sales represented all sales of Colonial-style properties in Stow during 2022, regardless of age, condition, location, number of rooms, and number of bathrooms.

Of the seventeen properties, the appellants determined that only two properties approximated the features of the subject property: 52 Whitman Street and 41 Gates Lane. The property located at 52 Whitman Street sold for \$790,000 on April 21, 2022, and was assessed for \$792,000 for the fiscal year at issue. The property at 41 Gates Lane sold for \$791,000 on June 14, 2022, and was assessed for \$719,100 for the fiscal year at issue. After adjusting for differences between these two comparables and the subject property, Ms. Iyer arrived at an indicated value for the subject property of slightly more than \$856,000, which was the appellants' opinion of value for the fiscal year at issue.

The assessor declined to offer affirmative evidence of the subject property's fair cash value on the relevant assessment date, offering as a defense of the disputed assessment only the contentions relating to mass appraisal and DOR requirements referenced above. The assessor did however acknowledge, as previously noted, that single-family home values in Stowe were increasing between the valuation date for the fiscal year at issue and the appellants' purchase date and that the sale price of the subject property was

less than its assessed value. Further, the assessor did not dispute that the appellants' purchase of the subject property qualified as an arm's-length transaction

On the basis of all the evidence of record, the Board found and ruled that the appellants met their burden of proving that the assessed value of the subject property exceeded its fair cash value as of the January 1, 2023, valuation date for the fiscal year at issue. In the absence of evidence to the contrary, the Board found that the purchase price of the subject property in an arm's-length sale nearly six months after the assessment date in an appreciating market for less than the assessed value definitively established that the subject property was overvalued for the fiscal year at issue. The appellants' credible valuation analysis also supported their opinion of value of slightly more than \$856,000. Thus, the Board determined that the fair cash value of the subject property for the fiscal year at issue was \$860,000. Accordingly, the Board issued a decision for the appellants and granted an abatement of \$1,188.57, inclusive of the CPA surcharge.

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OPINION

Assessors are required to assess real estate at its fair cash value. G.L. c. 59, § 38. Fair cash value is defined as the price on which a willing seller and a willing buyer will agree if both are fully informed and under no compulsion. ***Boston Gas Co. v. Assessors of Boston***, 334 Mass. 549, 566 (1956).

The appellants have the burden of proving that the subject property has a lower value than that assessed. "The burden of proof is upon the petitioner to make out its right as [a] matter of law to [an] abatement of the tax." ***Schlaiker v. Assessors of Great Barrington***, 365 Mass. 243, 245 (1974) (quoting ***Judson Freight Forwarding Co. v. Commonwealth***, 242 Mass. 47, 55 (1922)).

In appeals before the Board, a taxpayer "may present persuasive evidence of overvaluation either by exposing flaws or errors in the assessors' method of valuation, or by introducing affirmative evidence of value which undermines the assessors' valuation." ***General Electric Co. v. Assessors of Lynn***, 393 Mass. 591, 600 (1984) (quoting ***Donlon v. Assessors of Holliston***, 389 Mass. 848, 855 (1983)).

Here, the appellants presented the timely sale of the subject property in an arm's-length transaction approximately six months after the relevant assessment date in an appreciating market. The actual sale of the subject property itself is "very strong evidence of fair market value, for [it] represent[s] what a buyer has been

willing to pay to a seller for [the property under appeal].” **New Boston Garden Corp. v. Assessors of Boston**, 383 Mass. 456, 469 (1981) (quoting **First Nat’l Stores, Inc. v. Assessors of Somerville**, 358 Mass. 554, 560 (1971)). See, e.g., **Freniere v. Assessors of Wellesley**, Mass. ATB Findings of Fact and Reports 2012-124, 129-30. Lacking evidence to the contrary, the price paid for the subject property nearly six months after the relevant assessment date in an appreciating market compels the conclusion that the fair cash value of the subject property is not only less than its assessed value, but less than its purchase price.

Despite this uncontroverted evidence of value, the assessor maintained that the assessment should be upheld based on assertions that the assessment was within the margin of error as prescribed by DOR and was appropriately based on sales occurring before the relevant valuation date. The Board found that these assertions evidenced a fundamental misunderstanding of the abatement and appeal process and addresses this misunderstanding as follows.

I. THE ASSESSMENT PROCESS

Assessors are required to assess property at its fair cash value as of the January first preceding the relevant fiscal year. See G.L. c. 59, §§ 11 and 38. Prior to sending out tax bills, assessors must submit data to the DOR for either the DOR’s five-year certification or the DOR’s interim year approval that the assessors are assessing at full and fair cash value. This data includes sale prices paid in

the municipality for the various categories of property and assessment-to-sales ratios establishing that the proposed assessments are between 90 and 110 percent of the sales prices. See Information Guideline Release ("IGR"), No. 23-8, April 2023 (for fiscal year 2024) pg. 5. See also G.L. c. 40, § 56.

As previously noted, the assessors maintained that they followed appropriate procedures in valuing the subject property by not considering the sale of the subject property because it did not occur prior to the assessment date, and because the assessed value derived by the assessors fell within the requisite 90 to 110 percent range.

As to the subject property's sale date, the assessor conceded under cross examination that the DOR allows consideration of sales within six months after the assessment date, substantially undermining her prior assertion that post-assessment date sales are not relevant. More importantly, with respect to the DOR's acceptable range of values, the assessors conflated the process of setting values and having them approved by the DOR with the appeal process in which the Board is charged with determining whether a property's assessed value exceeded its fair cash value on the relevant assessment date.

II. ABATEMENT AND APPEAL PROCESS

Once assessors have the approval of DOR and they send out tax bills to the owners of property in a municipality, taxpayers may

file an abatement application if they believe, *inter alia*, that their property has been assessed "in excess of its fair cash value." G.L. c. 59, § 59. If the assessors agree, they "shall make a reasonable abatement." If the assessors do not agree and decline to issue an abatement, a "person aggrieved by the refusal . . . to abate a tax" may appeal to the Board and if "on hearing the board finds that the property has been overrated . . . it shall make a reasonable abatement." G.L. c. 59, §§ 64, 65.

In determining whether a taxpayer is aggrieved by the assessors' refusal to grant an abatement, the Board's function is not to determine whether assessors have complied with various elements of the DOR's certification and approval process; rather, the Board conducts a "*de novo* determination of value" to determine whether a taxpayer's property has been assessed at more than its fair cash value.

[O]rdinarily an 'appeal' to the Appellate Tax Board results in a trial of all the issues raised by the petition and the answer. The board hears testimony from all parties and forms an independent judgment of value based on all the evidence received. In reaching its conclusion, the board may select any method of valuation that is reasonable and that is supported by the record.

In re MCI Consolidated Central Valuation Appeals: Boston and Newton, Mass. ATB Findings of Fact and Reports 2008-255, 345 (quoting ***Assessors of Sandwich v. Commissioner of Revenue***, 393 Mass. 580, 586 (1984)). Accordingly, the question before the Board is whether the assessed value of the property at issue exceeds its fair cash value

as of the assessment date, taking into consideration all the evidence of record.

In reaching its *de novo* determination of value, the Board may consider "evidence from after the assessment date." ***Boston Gas Co.***, 458 Mass. at 740 (2011); see also ***Sidor v. Assessors of Taunton***, Mass. ATB Findings of Fact and Reports 2025-129, 137. In reaching its decisions, the Board has often relied on evidence of post-assessment sales offered by both boards of assessors (see, e.g., ***Sidor***, Mass. ATB Findings of Fact and Reports at 133-34; ***Kwan v. Assessors of Boston***, Mass. ATB Findings of Fact and Reports 2024-52, 55, 57) and taxpayers (see, e.g. ***Labudovic & Vucetic v. Assessors of Belmont***, Mass. ATB Findings of Fact and Reports 2022-9, 11-12, 14).

This is sensible given that timely sales preceding and following the assessment date are both probative of value when appropriately adjusted. See, e.g., ***New Boston Garden Corp. v. Assessors of Boston***, 383 Mass. at 470; ***Wardwell v. Assessors of Wellesley***, Mass. ATB Findings of Fact and Reports 2021-160, 166. Moreover, case law is replete with instances of the Board relying on the purchase price, properly adjusted, of the property at issue as the best indication of the property's fair cash value. See, e.g., ***Kernan v. Assessors of Great Barrington***, Mass. ATB Findings of Fact and Reports 2002-133, 137-38 and cases cited.

As discussed above, the assessors argued that the sale price of the subject property should not be considered during the abatement and appeals process because the sale took place after the assessment date and, in any event, the subject property's assessed value was within the valuation range prescribed by the DOR. These arguments are misplaced at a Board hearing. The first argument seeks to exclude evidence relevant to determine the fair cash value of the subject property on the assessment date, which was not only probative, but the best evidence of value in the instant appeal. The second argument would impose artificial constraints on the Board's determination of fair cash value, a result that would preclude granting an abatement where, as here, the evidence unquestionably established overvaluation.

In highlighting the distinction between the assessors' role in setting values for an entire municipality with the Board's role in determining the fair cash value of individual properties under appeal, the Board does not intend to minimize or criticize the assessors' actions in the initial assessment of the subject property. Rather, the point is that considering all relevant evidence of the subject property's fair cash value, a task that is impractical at the assessment stage, is the province of the Board and the assessors should have considered this evidence at the abatement and appeal stages.

In this appeal, the appellants provided relevant and uncontroverted evidence, in the form of the purchase price of the subject property, which was supported by their comparable-sales analysis, to establish that the subject property's assessed value exceeded its fair cash value on the assessment date. Having considered this evidence, the Board ruled that the appellants met their burden of proving that the subject property was overvalued for the fiscal year at issue and found that its fair cash value for the fiscal year at issue was \$860,000. Accordingly, the Board issued a decision for the appellants and granted an abatement of \$1,188.57, inclusive of the CPA surcharge.

THE APPELLATE TAX BOARD

By: 
Mark J. DeFrancisco, Chairman

A true copy,

Attest: 
Clerk of the Board