

**COMMONWEALTH OF MASSACHUSETTS
APPELLATE TAX BOARD**

MARK AND KARA SULLIVAN

v.

**BOARD OF ASSESSORS
OF THE TOWN OF IPSWICH**

Docket No. F350281

Promulgated:
March 6, 2026

This is an appeal filed under the formal procedure pursuant to G.L. c. 58A, § 7 and G.L. c. 59, §§ 64 and 65, from the refusal of the Board of Assessors of the Town of Ipswich (“assessors” or “appellee”) to abate a tax on real estate owned by and assessed to Mark and Kara Sullivan (“appellants”) for fiscal year 2023 (“fiscal year at issue”).

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

These findings of fact and report are made pursuant to requests by the appellants and the appellee under G.L. c. 58A, § 13 and 831 CMR 1.34.

Mark and Kara Sullivan, pro se, for the appellants.

Ellen M. Hutchinson, Esq., for the appellee.

FINDINGS OF FACT AND REPORT

Based on the testimony and documents admitted into evidence at the hearing of this appeal, the Appellate Tax Board (“Board”) made the following findings of fact.

I. Introduction and jurisdiction

On January 1, 2022, the relevant valuation and assessment date for the fiscal year at issue, the appellants were the assessed co-owners¹ of a 690-square-foot condominium unit built circa 1919, situated on a 3,700-square-foot parcel, located at 8 Cliff Road in Ipswich in the Little Neck condominium complex (“subject property”). The subject property has a primarily wood-shingled exterior and contains five rooms, with three bedrooms and one and a half bathrooms.

For the fiscal year at issue, the appellee valued the subject property at \$1,079,600, and assessed a tax thereon, at the rate of \$12.23 per \$1,000, in the amount of \$13,203.51. The appellants timely paid the tax due without incurring interest. On January 30, 2023, the appellants timely filed an abatement application with the appellee. The appellee reduced the assessed value to \$948,700 on March 27, 2023. Seeking a further reduction, the appellants timely filed this appeal with the Board on June 27, 2023. Based on these facts, the Board found and ruled that it had jurisdiction to hear and decide this appeal.

II. The parties’ contentions

A. The appellants’ case

The appellants presented their case through their own testimony and the submission of documents, offering an opinion of value of \$675,000. In addition to property

¹ Additional co-owners were Christopher and Jessica Sullivan, though this appeal was filed in the name of Mark and Kara Sullivan.

record cards, photos, and a written statement, they submitted various spreadsheets of allegedly comparable properties, both within and outside the Little Neck condominium complex. They made no adjustments to account for differences between these properties and the subject property.

The appellants stressed that the lack of any furnace, insulation, or heat in the subject property, renders it useable only from May to October. They also alluded to the Little Neck building restrictions prohibiting current and future residents from going outside the “envelope” of the home in any way; limited parking in Little Neck; and limited updates to the subject property since 1910, such as the enduring knob and tube wiring,² an attic consisting of two bedrooms with knee walls,³ and a dirt crawl space in the basement.

B. The assessors’ case

The assessors questioned the appellants as to their comparables methodology and otherwise rested on the presumed validity of the assessed value.

III. The Board’s findings

Based on a review of the evidence, the Board ruled that the appellants met their burden of proving overvaluation and found that \$775,000 reflected the fair cash value of the subject property for the fiscal year at issue. The Board made its own independent judgment as to evidence concerning other properties in the Little Neck complex and it was persuaded by the appellants’ arguments regarding the condition of the subject

² Defined in Merriam-Webster as “open electric-wiring work in which the wires are supported on knobs or cleats and encased in tubes where they pass through beams or partitions.” <https://www.merriam-webster.com/dictionary/knob%20and%20tube%20wiring> (last visited January 5, 2026).

³ Defined in Merriam-Webster as “a partition for supporting roof rafters when the span is great or for forming a side wall (as of a second-story room) under a pitched roof.” <https://www.merriam-webster.com/dictionary/knee%20wall> (last visited January 23, 2026).

property. In particular, the Board took into account the forced seasonality due to the lack of any heating features, dated features, the building restrictions, and the limited parking.

Accordingly, the Board issued a decision for the appellants, granting an abatement in the amount of \$2,124.35.

OPINION

Assessors are required to assess real estate at its fair cash value as of the first day of January preceding the fiscal year at issue. G.L. c. 59, § 38. Fair cash value is defined as the price upon which a willing buyer and a willing seller will agree if both are fully informed and under no compulsion. ***Boston Gas Co. v. Assessors of Boston***, 334 Mass. 549, 566 (1956). An appellant has the burden of proving that property has a lower fair cash 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)).

In reaching its opinion of fair cash value in these appeals, the Board could accept those portions of the evidence that the Board determined had more convincing weight. ***Foxboro Assocs. v. Assessors of Foxborough***, 385 Mass. 679, 683 (1982); ***New***

Boston Garden Corp. v. Assessors of Boston, 383 Mass. 456, 473 (1981); ***Assessors of Lynnfield v. New England Oyster House, Inc.***, 362 Mass. 696, 702 (1972). In evaluating the evidence before it, the Board selected among the various elements of value and formed its own independent judgment of fair cash value. ***General Electric Co.***, 393 Mass. at 605; ***North American Philips Lighting Corp. v. Assessors of Lynn***, 392 Mass. 296, 300 (1984). The fair cash value of property cannot be proven with “mathematical certainty and must ultimately rest in the realm of opinion, estimate and judgment.” ***Assessors of Quincy v. Boston Consol. Gas Co.***, 309 Mass. 60, 72 (1941). Here, in coming to its decision, the Board considered the condition of the subject property, including its seasonality due to lack of heating features, as well as building restrictions and limited parking.

Having considered the record in its entirety, the Board ruled that the appellants met their burden of proving overvaluation and found that the fair cash value for the subject property for the fiscal year at issue was \$775,000. Accordingly, the Board issued a decision for the appellants, granting an abatement in the amount of \$2,124.35.

THE APPELLATE TAX BOARD

By: 
Mark J. DeFrancisco, Chairman

A true copy,

Attest: 
Clerk of the Board