

DOCKET NO.: HHB-CV-22-6072391-S

FPP, LLC	:	SUPERIOR COURT
	:	
	:	JUDICIAL DISTRICT OF
	:	NEW BRITAIN
	:	
v.	:	TAX AND ADMINISTRATIVE
	:	APPEALS SESSION
	:	
TOWN OF WEST HARTFORD	:	JUNE 6, 2024

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 SUPERIOR COURT
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 JUDICIAL DISTRICT OF
 NEW BRITAIN

MEMORANDUM OF DECISION

The plaintiff, FPP, LLC (FPP), appeals the real property municipal tax assessment levied by the defendant, the town of West Hartford, on the real property and improvements located at 54 Ledyard Road in West Hartford, Connecticut (the subject property). The plaintiff proceeds pursuant to General Statutes § 12-117a. As set forth below, the court finds that the fair market value (FMV) of the subject property is \$2,000,000 as of October 1, 2021, the date of assessment.

LEGAL STANDARD

A trial court hears tax appeals pursuant to General Statutes § 12-117a de novo and must arrive at its own conclusions as to the value of the property at issue by evaluating all of the evidence, including the opinions of appraisers. The court is to apply its general knowledge and experience in evaluating all of the evidence presented. See *Davis v. Westport*, 61 Conn. App. 834, 840, 767 A.2d 1237 (2001).

“Valuation is a matter of fact to be determined by the trier’s independent judgment. . . . In actions requiring such a valuation of property, the trial court is charged with the duty of making an independent valuation of the property involved. . . . No one method of valuation is controlling and . . . the court may select the one most appropriate

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in the case before it. . . . Moreover, a variety of factors may be considered by the trial court in assessing the value of such property. . . . The trier arrives at his own conclusions by weighing the opinions of the appraisers, the claims of the parties, and his own general knowledge of the elements going to establish value, and then employs the most appropriate method of determining valuation. . . . The trial court has broad discretion in reaching such conclusion, and its determination is reviewable only if [it] misapplies or gives an improper effect to any test or consideration which it was [its] duty to regard.” (Internal quotation marks omitted.) *Abington, LLC v. Avon*, 101 Conn. App. 709, 715, 922 A.2d 1148 (2007).

DISCUSSION

This matter was tried to the court on February 15, 2024. The court heard from, Marc Gottesdiener, a real estate appraiser testifying on behalf of the plaintiff, and Albert Franke III, a real estate appraiser testifying on behalf of the town of West Hartford. Four exhibits were received into evidence, of which the two appraisals submitted by the parties were the primary evidence. As the trier of fact, the court must weigh the evidence and determine the credibility of witnesses. *Connecticut Light & Power Co. v. Proctor*, 324 Conn. 245, 259, 152 A.3d 470 (2016). “It is the *exclusive province of the trier of fact to weigh the conflicting evidence, determine the credibility of witnesses, and determine whether to accept some, all or none of a witness’ testimony. . . .*” (Emphasis in original; internal quotation marks omitted.) *Palkimas v. Fernandez*, 159 Conn. App. 129, 133, 122 A.3d 704 (2015). With these principles in mind, the court makes the following findings of fact.

The subject property is located at 54 Ledyard Road in West Hartford. On October 1, 2021, the real property and improvements at the subject property were owned by FPP, LLC.

The subject property consists of 3.91 acres of flat, well landscaped, and generally open land that abuts the Hartford Golf Club. Ledyard Street is a quiet, residential road. The private home situated on the subject property is a stone house constructed in 1919 in the style of an English manor house. The house has 12,971 square feet of gross living area. The house consists of eighteen total rooms, eight bedrooms, numerous bathrooms, eight fireplaces, a 6,700 square foot finished basement (including a bar area, wine cellar, sauna, gaming area, and exercise room), a roof top patio with jacuzzi, a pool, and a three car garage. The interior and exterior finishings in the house are excellent and include the large rooms, wood paneling, hard wood floors, elegant molding and other finishes one might expect of a large, 1920's manor house. The kitchen has been updated with modern appliances and fixtures. The home underwent an approximately \$1.37 million renovation in 2011 to update its physical plant (HVAC, electrical, structural). See Ex. B. Overall, the house is in excellent condition and is well maintained. It is in a quiet, desirable neighborhood. It is not disputed that the highest and best use of the property is as a private residence.

Both parties submitted appraisals of the subject property. See Exs. 1, A. Both Mr. Gottesdiener and Mr. Franke are experienced, licensed appraisers who are well qualified to offer their opinions of value. West Hartford set the FMV of the real property and improvements at the subject property at \$2,400,000 as of the assessment date,

October 1, 2021. Mr. Gottesdiener found the FMV of the subject property to be \$1,500,000 as of the date of assessment. West Hartford's appraiser, Mr. Franke, appraised the FMV of the subject property at \$2,400,000 as of the date of the assessment. Both appraisers considered the comparable sales method to be the most appropriate method of valuing the subject property. In 2006, the subject property was purchased by a prior owner for \$4 million. Ex. A, at 3.

In October of 2016, Mr. Gottesdiener appraised the subject property at a FMV of \$2,069,000. See Ex. C. In August of 2020, Mr. Gottesdiener appraised the subject property as part of an anticipated lease back transaction at a FMV of \$1,450,000. Ex. 1, at 4. In September of 2020, the subject property was purchased by FPP for \$1,372,750, as part of a lease back transaction between the prior owner¹ (who still lives at the subject property) and FPP.² Ex. A, at 3.

Mr. Franke testified that high-end homes in the West Hartford market tend to sell between \$1.1 million and \$1.7 million, with \$2 million generally being the top of the range for high-end homes in West Hartford. Ex. A, at 11.

Two important factual conclusions underly the court's ultimate conclusion of value. First, the court concludes that the market for high end homes of similar size (living area and acreage) and style to the subject property is limited. Therefore, it was

¹ The same owner who paid \$4 million for the subject property in 2006. Ex. A., at 2-3.

² The court concludes as a factual matter that there was no credible evidence presented at trial that this transaction was an arm's length transaction, or a transaction reflecting the market conditions generally applicable to a typical fee simple sale between a residential home buyer and seller. Therefore, the court attaches no weight to this sale.

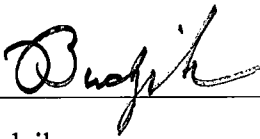
difficult for both parties to find truly comparable sales. Second, reflecting the court's first conclusion, the court does not consider the three comparable sales used by Mr. Franke to be truly comparable. Each of Mr. Franke's comparable sales were significantly smaller in gross living area and acreage as compared to the subject property. Similarly, the court credits trial testimony to the effect that Mr. Gottesdiener's comparable sales 1 and 2 were not comparable to the subject property because comparable 1 needed substantial interior updating and comparable 2 was a somewhat distressed sale. The court has already discounted Mr. Gottesdiener's comparable sale 3 (the subject property) because it was not an arm's length transaction or traditional fee simple sale. See footnote 2, *infra*.

After closely reviewing the evidence and appraisal analysis employed by both parties, the court finds that Mr. Franke's estimate of \$2 million for the best high-end homes in the West Hartford market is the best estimate of the subject property's fair market value on the date of valuation. The subject property's combined exceptional attributes of good location, large gross living area, large acreage, architectural style, and proper maintenance and physical plant updating make the subject property nearly unique in the West Hartford market and easily warrants a finding of value at the top of the applicable market. The court finds that the fair market value of the subject property is \$2,000,000, as of the date of the assessment, October 1, 2021. See Ex. A, at 11.

CONCLUSION

For all the foregoing reasons, the court finds that the plaintiff has been aggrieved and that judgment shall enter in favor of the plaintiff, FPP, LLC. Taxes on the real

property and improvements located at 54 Ledyard Road in West Hartford shall be assessed based upon seventy percent of the foregoing full fair market value and the applicable mil rate.


_____, J.
Budzik