VERMONT SUPREME COURT
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Case No. 25-AP-411

Note: In the case title, an asterisk (*) indicates an appellant and a double asterisk (**) indicates a cross-appellant. Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

ENTRY ORDER

AUGUST TERM, 2026

Anne Meyer* v. Town of Putney	}	APPEALED FROM:
	}	
	}	Property Valuation and Review
	}	
	}	CASE NO. PVR 2024-17

In the above-entitled cause, the Clerk will enter:

Taxpayer appeals from a decision by a Property Valuation and Review (PVR) hearing officer determining that the fair market value of her property was $358,000. On appeal, she argues that the hearing officer's decision is not supported by the evidence, fails to account for her independent evidence, and violates the Vermont and U.S. Constitutions. We affirm.

Taxpayer owns a ranch-style single-family residence with three outbuildings located on a 6.4-acre parcel in the Town of Putney, Vermont. In 2024, the Town completed a town-wide reappraisal to bring all properties to fair market value. The Town used a cost to value approach by preparing a land schedule, which was then used to determine the cost of building sites and acreage and adjusted for differences in each property's attributes. The Town listers determined that the fair market value of taxpayer's property was $388,600. Taxpayer appealed to the Board Civil Authority, which reduced the valuation to $358,000. Taxpayer appealed the Board's decision to the Director of PVR.

A PVR hearing officer held an evidentiary hearing and conducted a site visit. Taxpayer advocated for a fair market value of $250,000, arguing that the property's value was diminished by the condition of the land and outbuildings, its location near the interstate, and water issues in the basement. In support of her proposed valuation, taxpayer introduced a comparative market analysis from a real estate broker listing eleven properties sold in the area between 2020 and 2025 and recommending a listing price for taxpayer's home at between $239,000 and $249,000. She also submitted a letter from a real estate appraiser which provided other properties in the area with sales prices ranging from $217,000 and $296,000. The letter indicated that taxpayer's property appeared overvalued, but specifically indicated it was "not an appraisal" and did not provide "a market value conclusion."

The Town defended the Board's $358,000 valuation, and provided the lister cards for four comparable properties in Putney that had ranch houses on properties between one and a half and ten acres that sold between 2022 and the time of the hearing. Because not all homes were the same size or age, the Town calculated an undepreciated square foot value for each building to demonstrate that taxpayer's property was assessed in the same manner as other similar properties. The Town explained that it had made negative adjustments to taxpayer's property to account for the proximity to the interstate, the water issues, and the condition of the outbuildings.

The hearing officer issued a written decision, concluding that taxpayer had not overcome the burden of persuasion accorded to the Town's valuation. The hearing officer was not persuaded by taxpayer's comparative market analysis and data review because neither set forth a fair market value for taxpayer's property as of April 2024. On the other hand, he explained, the Town's analysis was predicated on a standard method for determining fair market value, there was no evidence that its underlying data was incorrect, and the Town listers addressed each of the negative attributes of the property that taxpayer identified. The hearing officer therefore concluded that the fair market value of taxpayer's property was $358,000.

On appeal, we accord deference to decisions of PVR and "will set aside [the hearing officer's] findings of fact only when clearly erroneous, in light of the fact that the [hearing officer] has had the opportunity to judge the credibility of witnesses and weigh the evidence." Barnett v. Town of Wolcott, 2009 VT 32, ¶ 5, 185 Vt. 627 (mem.). Where the valuation is supported by some evidence from the record, "the appellant bears the burden of demonstrating that the exercise of discretion was clearly erroneous." Garilli v. Town of Waitsfield, 2008 VT 91, ¶ 9, 184 Vt. 594 (mem.) (quotation omitted).

Taxpayer argues that the Town has not adequately explained the increase in her assessed value from its previous level given that she has not made improvements since the last appraisal. She claims that her evidence from an independent source more accurately represents the fair market value of her property. When a taxpayer grieves an assessment, there is a presumption that the Town's assessment is valid. City of Barre v. Town of Orange, 152 Vt. 442, 444 (1989). If the taxpayer presents evidence that the property was appraised above fair market value, then the presumption disappears and "it is up to the town to introduce evidence that justifies its appraisal." Adams v. Town of West Haven, 147 Vt. 618, 619-20 (1987). Even when the presumption of validity disappears, however, the ultimate burden of persuading the court that the Town's appraisal is incorrect "remains with the taxpayer." Id. at 620 n.*. When the record contains some basis for the hearing officer's valuation, the taxpayer "bears the burden of demonstrating that the exercise of discretion was clearly erroneous." State Housing Auth. v. Town of Northfield, 2007 VT 63, ¶ 5, 182 Vt. 90 (quotation omitted)

The hearing officer's decision was not clearly erroneous. It is up to the hearing officer "to judge the credibility of witnesses and weigh the evidence." Barnett, 2009 VT 32, ¶ 5. Although taxpayer presented evidence from realtors regarding a possible listing price , the information did not assert a fair market value for taxpayer's property. See id. ¶ 10 (explaining that asking prices "are not good evidence of fair market value"). In addition, the properties that were provided for comparison were not all within the Town and did not show the location, size, or type of the home and lot or adjust for other differences in the properties' attributes. In contrast, the Town provided a sound explanation for how it arrived at the valuation for taxpayer's home, providing both the methodology for its assessment and an analysis of comparable properties. The appraiser's determination that the Town's valuation method was more credible than taxpayer's evidence of the property's value was rational, and not an abuse of discretion.

Taxpayer also argues that the Town's reappraisal subjects her to a disproportionate tax burden in violation of the Proportional Contribution Clause of the Vermont Constitution, Vt. Const. ch. I, art. 9, and the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. Because these arguments were not raised below, they are not properly preserved for appeal, and we do not address them. See Garilli, 2008 VT 91, ¶ 7 (concluding that Town's due-process argument was not preserved for appeal because it was not raised below).

Affirmed.

BY THE COURT:

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Paul L. Reiber, Chief Justice

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Harold E. Eaton, Jr., Associate Justice

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Nancy J. Waples, Associate Justice