

Elbow Condominium Owners' Association Inc.
Norwich, Vermont

September 15, 2026

Board of Civil Authority
Town of Norwich
Norwich, Vermont

Members of the Board:

The Elbow Condominium Owners' Association respectfully submits this formal appeal and evidence of the Town Assessor's revised property tax valuations for the condominium parcels, challenging the methodology change implemented in the 2026 Grand List. The evidence demonstrates that the Assessor has violated both the Condominium Declaration and Vermont law by reallocating land value from individual unit parcels to the association's General Common Element parcel, in direct violation of Vermont Title 27A § 1-105.

STATEMENT OF ISSUE

The Town Assessor's 2026 reassessment methodology, which reallocates land value designated as Limited Common Elements from individual unit parcels to the association General Common Element parcel, violates Vermont Title 27A § 1-105, which mandates that each unit, together with its interest in the common elements, constitutes a separate parcel of real estate for taxation purposes.

STATEMENT OF FACTS

1. The Elbow Condominium consists of three tax parcels comprising a single condominium complex in Norwich, Vermont:

Parcel 05-123.000: General Common Element

Parcel 05-123.100: Unit 2 at 172 Ladeau Road

Parcel 05-123.200: Unit 1 at 140 Ladeau Road

2. The Condominium Declaration, dated March 30, 2016, and duly recorded in the Land Records of Norwich, specifically designates two (2) acres surrounding each unit as Limited Common Elements. Article V, Section 5.01(b) provides:

"The two (2) acres immediately surrounding each of the units, identified on the Plat entitled 'Condominium Plat prepared for Elbow Cooperative in Norwich, Windsor County, Vermont; Scale: 1"= 100'; Drawing #16008-bo; Date: 3/17/16 by Vermont Geomatics of Windsor, Vermont', in addition to the portions described in Sections 2-102(2) and 2-102(4) of the Act, are designated as Limited Common Elements."

3. Article VI, Section 6.02 of the Declaration explicitly addresses the assessment of Limited Common Elements:

"Any common expense associated with the maintenance, repair or replacement of a Limited Common Element shall be assessed equally against the Units to which the Limited Common Element is assigned."

4. The Three-Year Assessment History reveals a dramatic and unjustified methodology change:

PARCEL VALUATION SUMMARY

Parcel 05-123.000 (Association General Common Elements):

2024: \$98,100

2025: \$172,500

2026: \$443,500

INCREASE: +352% | +\$345,400

Parcel 05-123.100 (Unit 2):

2024: \$295,600

2025: \$534,800

2026: \$618,400

INCREASE: +109% | +\$322,800

Parcel 05-123.200 (Unit 1):

2024: \$140,100
2025: \$116,900
2026: \$47,600

DECREASE: -66% | -\$92,500

LEGAL ANALYSIS AND VIOLATIONS

The Assessor's 2026 valuation methodology violates both the Condominium Declaration and Vermont statutory law:

Violation 1: Vermont Title 27A § 1-105 — Separate Titles and Taxation — Vermont Title 27A § 1-105 provides that "Each unit that has been created, together with its interest in the common elements, constitutes for all purposes a separate parcel of real estate." The Elbow Condominium Declaration designates the two-acre homestead areas surrounding each unit as Limited Common Elements appurtenant to those units. These Limited Common Elements constitute part of each unit's "interest in the common elements" under § 1-105. By reallocating the land value associated with these Limited Common Elements from the unit parcels to the association's General Common Element parcel, the Assessor has merged separate parcels into one, directly violating the statutory requirement that each unit with its common element interests remain a separate parcel for tax purposes.

Violation 2: Declaration of Condominium Violation — The Declaration explicitly designates the two-acre homestead areas as Limited Common Elements appurtenant to each unit, and Section 6.02 requires that common expenses (and by extension the value underlying those areas) be assessed against the Units to which the Limited Common Element is assigned. The Assessor's reallocation of land value from these unit parcels to the association's General Common Element parcel directly contradicts the Declaration's allocation and violates its explicit assessment methodology.

REQUESTED RELIEF

We respectfully request the Board of Civil Authority to:

1. Reduce Parcel 05-123.000 (Association) valuation to align with the limited land value appropriately allocated to General Common Elements only, not including the Limited Common Element acreage designated in the Declaration;
2. Reallocate the two-acre Limited Common Element land values back to Parcels 05-123.100 and 05-123.200, restoring compliance with Vermont Title 27A § 1-105's requirement that each unit with its common element interests constitute a separate parcel;
3. Provide all taxpayer relief and remedy available under law for the erroneous 2026 assessment.

CONCLUSION

Vermont Title 27A § 1-105 mandates that each unit, together with its interest in the common elements (including the Limited Common Elements designated in the Declaration), constitutes a separate parcel of real estate for taxation purposes. The Town Assessor's 2026 valuation methodology violates this statute by merging the unit-designated Limited Common Elements into the association's General Common Elements parcel, thereby combining what the law requires to remain separate.

We respectfully urge the Board to correct this assessment error, restore the valuations to reflect the Declaration's proper allocation and compliance with § 1-105.

Respectfully submitted,

Elbow Condominium Owners' Association Inc.

By: Robert M. Dunn

On behalf of the Association

ATTACHMENTS:

- Declaration of Elbow Condominium (March 30, 2016)
- Condominium Plat

RECEIVED
March 31 A.D. 2016
AT 9 O'CLOCK 50 MIN A.M.
AND RECORD IN Land Records
BOOK 221 PAGE 408-415
ATTEST
Jude Russell, Not.
TOWN CLERK, NORWICH, VERMONT

DECLARATION

OF

ELBOW CONDOMINIUM, A CONDOMINIUM

ARTICLE I

SUBMISSION: DEFINED TERMS

Section 1.01. Submission of Real Estate. (a) Elbow Cooperative, a Vermont non-profit domestic corporation, together with Robert M. Dunn, Cecilia M. T. Tseng and Pamela Smith as members of the cooperative and individually (the "Declarant"), owners in fee simple of the real estate described in Section 2.02 located in Windsor County, hereby submit the real estate, together with all easements, rights and appurtenances thereto and the buildings and improvements erected or to be erected thereon (collectively, the "Property") to the provisions of Title 27A V.S.A. known as the Uniform Common Interest Ownership Act (1994) (the "Act").

Section 1.02. Define Terms. Each capitalized term not otherwise defined in this Declaration or in the Plats and Plans shall have the meanings specified or used in the Act.

ARTICLE II

NAME: DESCRIPTION OF REAL ESTATE

Section 2.01. Names. (a) Condominium. The name of the Condominium is Elbow Condominium. [2-105(a)(1)]

(b) Association. The name of the Association is Elbow Condominium Owners' Association, Inc.

Section 2.02. Real Estate. The Condominium is located in Norwich, in Windsor County, Vermont. The real estate of the Condominium is described in Exhibit A. (2-105(a)(3))

ARTICLE III

THE ASSOCIATION

Section 3.01. Authority. The business affairs of the Condominium shall be managed by the Association. The Association shall be governed by its Bylaws, as amended from time to time. [3-103(a)]

Section 3.02. Powers. (a) The Association shall have all of the powers, authority and duties permitted pursuant to the Act necessary and proper to manage the business and affairs of the Condominium. [3-102]

EXHIBIT A

DESCRIPTION OF LAND

Being all and the same lands and premises conveyed to Elbow Cooperative by Warranty Deed dated May 21, 2010 and recorded August 19, 2010 in Book 197, pages 534-536 of the Norwich Land Records and described therein as follows:

"Being all and the same lands and premises conveyed to the GRANTORS herein by Quitclaim Deed of Hannah T. Croasdale, Robert M. Dunn, Cecilia M. T. Tseng and John C. Healy dated July 21, 1996 and August 2, 1996 and recorded August 6, 1996 in Book 121, pages 337-339 of the Norwich Land Records and described therein as follows:

"Being all and the same lands and premises as conveyed to the Grantors by Warranty Deed of Hannah T. Croasdale dated January 2, 1979, recorded at Book 60, Pages 154-155 of the Norwich Land Records, more particularly described in said deed as follows:

'Being all and the same land and premises conveyed to Hannah T. Croasdale and Mary G. Croasdale by warranty deed of Henry C. Barstow, dated May 23, 1958, recorded at Book 34, page 77, of the Norwich Land Records and described therein as follows:

Being all and the same lands and premises deeded to Elias L. Waterman by Albert C. Davis by warranty deed dated June 21, 1892 and recorded in Book 19 Page 12 of the Norwich Land Records, containing 25 acres, more or less, and being all and the same land and premises deeded to Clinton G. Barstow by warranty deed of George D. Sargent dated June 26, 1917 and recorded in Book 23, Page 26 of the Norwich Land Records, and being all and the same land and premises deeded to Clinton G. Barstow by warranty deed of Isa M. O. Morse, widow of Leonard B. Morse, dated November 23, 1926 and recorded in Book 24, page 169 of the Norwich Land Records. Reference is hereby made to said deeds and their records and to all prior deeds and their records for a more particular description of the land and premises here conveyed.

Being all and the same premises conveyed by Clinton G. Barstow to Henry C. Barstow by deed dated November 30, 1957 and recorded in Book 33 Page 393 of said Norwich Land Records.

Hannah T. Croasdale became the sole owner of the premises upon the death of Mary G. Croasdale."

John Healy died January 23, 2013.

Pamelia Smith was made a member of the Cooperative January 14, 2014.

The purpose of this transaction is as part of a liquidation of the asset of the Cooperative, and conversion of the interests of the members in a condominium nature of ownership. The Members join for the purpose of assuring the complete liquidation of the interests of the Cooperative and their interests in the Cooperative.

The premises subject to this Declaration, together with the identified Units and limited common areas exclusive to the units, are as shown on the plat entitled "Condominium Plat prepared for Elbow Cooperative in Norwich, Windsor County, Vermont; Scale: 1"= 100'; Drawing #16008-bo; Date: 3/17/16 by Vermont Geomatics of Windsor, Vermont" which plat is to be recorded concurrently in the Norwich Land Records.

Reference should be made to the above-mentioned deeds and records and to the deeds and records referred to therein for a more complete and particular description of the lands and premises conveyed.

EXHIBIT B

TABLE OF INTERESTS

<u>Unit No.</u>	<u>Percentage Share of Common Elements</u>	<u>Percentage Share of Common Expenses</u>	<u>Vote in the Affairs of the Association</u>	<u>Limited Common Elements</u>
1 (140)	50	50	1	2 acres surrounding
2 (172)	50	50	1	2 acres surrounding
	100 percent	100 percent		

(b) The Association may assign its future income, including its rights to receive Common Expense assessments, only by the affirmative vote of Unit Owners of Units to which at least 51 percent of the votes in the Association are allocated, at a meeting called for that purpose. [3-102(a)(1 4)]

Section 3.03. Declarant Control. The Declarant shall have all the powers reserved in Section 3-103(d) of the Act to appoint and remove officers and members of the Executive Board. [3-103]

ARTICLE IV

UNITS

Section 4.01. Number of Units. The number of Units in the Condominium is two (2). [2-105(a)(4)].

Section 4.02. Identification of Units. The identification number of each Unit is shown on the Plats (to be recorded concurrently with this Declaration) and Plans or both. [2-105(a)(1)].

Section 4.03. Unit Boundaries. The boundaries of each Unit are located as shown on the Plats and Plans and are more particularly described as follows: [2-105(a)(5); 2-102].

- (a) Separate structures currently identified by the Town E911 as 140 Ladeau Road and 172 Ladeau Road; and
- (b) Each Unit shall include the heating, hot water and air conditioning apparatus exclusively serving the Unit whether or not located within the boundaries of the Unit.

ARTICLE V

LIMITED COMMON ELEMENTS

Section 5.01. Limited Common Elements. (a) A "Limited Common Element" means a portion of the Common Elements, designated in this Declaration, on the Plats and Plans, or by the Act, for the exclusive use of one or more but fewer than all of the Units.

(b) The two (2) acres immediately surrounding each of the units, identified on the Plat entitled "Condominium Plat prepared for Elbow Cooperative in Norwich, Windsor County, Vermont; Scale: 1"= 100'; Drawing #16008-bo; Date: 3/17/16 by Vermont Geomatics of Windsor, Vermont", in addition to the portions described in Sections 2-102(2) and 2-102(4) of the Act, are designated as Limited Common Elements: [2-1 05(a)(6)]

(c) The Declarant reserves the right to allocate specified areas which constitute a part of these Common Elements as Limited Common Elements for the exclusive use of the owners of Units to which these specified areas shall become appurtenant. The Declarant may assign such Common Elements as Limited Common Element areas pursuant to the provisions of [Section 2-108] of the Act(i) by making such allocation in a recorded instrument or(ii) in the deed to the Unit to which such Limited Common Elements storage area shall be appurtenant or (iii) by recording an appropriate amendment to this Declaration. Such allocations by the Declarant may be to Units owned by the Declarant. Subsequent to the Declarant Control Period, the right of allocation pursuant to this Section shall pass from the Declarant to the Executive Board and the Declarant may not thereafter exercise any such right.]

ARTICLE VI

MAINTENANCE, REPAIR AND REPLACEMENT

Section 6.01. Limited Common Elements. The Owner of a Unit to which the Limited Common Elements described in the Plat entitled "Condominium Plat prepared for Elbow Cooperative in Norwich, Windsor County, Vermont; Scale: 1"= 100'; Drawing #16008-bo; Date: 3/17/16 by Vermont Geomatics of Windsor, Vermont" are allocated shall maintain, repair and replace those Limited Common Elements.

Section 6.02. Expense Allocation. Any common expense associated with the maintenance, repair or replacement of a Limited Common Element shall be assessed equally against the Units to which the Limited Common Element is assigned. [3-115(c)(1)]

ARTICLE VII

ALLOCATED INTERESTS

7.01. Allocated Interests. The undivided interest on the Common Elements, the Common Expense liability and votes in the Association allocated to each Unit are set forth in Exhibit B. [2-105(a)(11)]

7.02. Determination of Allocated Interests. The interests allocated to each Unit have been calculated as follows:

- (a) the undivided interest in Common Elements, equally between the two units;
- (b) the percentage of liability for Common Expenses, on the basis of equally between the two units; and
- (c) the number of votes in the Association, on the basis of one (1) equal vote for each unit

ARTICLE VIII

RESTRICTIONS ON USE, ALIENATION AND OCCUPANCY

Section 8.01. Use and Occupancy Restrictions. The units may only be used for residential purposes and uses allowed under local zoning by residential use.

Section 8.02. Restrictions on Alienation. A Unit may not be conveyed pursuant to a timesharing arrangement described in Section [1-103(30)] of the Act.

ARTICLE IX

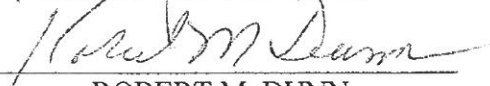
EASEMENTS AND LICENSES

Section 9.01. Recording Data. All easements and licenses to which the Condominium is presently subject are recited in Exhibit A. In addition, the Condominium may be subject to other easements or licenses granted by the Declarant pursuant to Section 7.01 in this Declaration. [2-105(a)(13)]

IN WITNESS WHEREOF, the Declarant has caused this Declaration to be executed by all owners this 30th day of March, 2016.

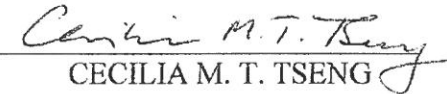
ELBOW COOPERATIVE

By:



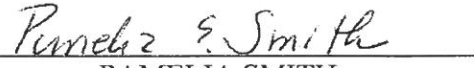
ROBERT M. DUNN

By:



CECILIA M. T. TSENG

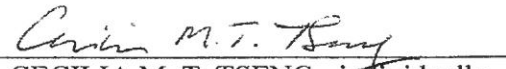
By:



PAMELIA SMITH



ROBERT M. DUNN - individually



CECILIA M. T. TSENG - individually



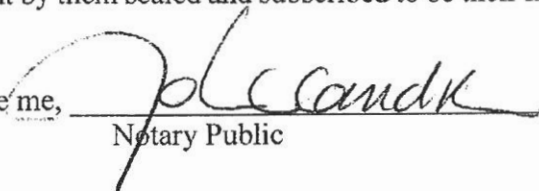
PAMELIA SMITH-individually

STATE OF VERMONT
WINDSOR COUNTY, SS

At Hartford in said County, this 30th day of March, 2016, personally appeared, Elbow Cooperative by its members, CECILIA M. T. TSENG, ROBERT M. DUNN and PAMELIA SMITH and by CECILIA M. T. TSENG, ROBERT M. DUNN and PAMELIA SMITH individually, and they acknowledged this instrument by them sealed and subscribed to be their free act and the free act of Elbow Cooperative.



Subscribed and sworn before me,


Notary Public

My Commission Expires: February 10, 2019

