***Palmer v. Commissioner, 85 T. C. 1061 (1985)***

The fair market value of donated property for charitable deduction purposes is determined by considering its highest and best use, which may not necessarily be its current use or reproduction cost.

**Summary**

In Palmer v. Commissioner, the Tax Court assessed the fair market value of a historic property donated to a chiropractic college's foundation. The petitioners claimed a higher value based on the property's historical significance to chiropractic, while the IRS valued it at $79,000 based on its potential for commercial development. The court ultimately determined the property's fair market value at $80,000, rejecting the petitioners' valuation method that relied on reproduction cost and emphasizing the importance of considering the property's highest and best use. This decision highlights the complexities in valuing property with unique historical or sentimental value for charitable contribution deductions.

**Facts**

On August 25, 1971, D. D. Palmer donated a property located at 808 Brady Street in Davenport, Iowa, to the Palmer College Foundation. The property included a half-acre lot with a three-story Victorian mansion, a two-story garage, and a conservatory named "A Little Bit O'Heaven. " The mansion, built between 1875 and 1885, had been the Palmer family residence and was later used by the Palmer College of Chiropractic for ceremonial and alumni functions. The property was zoned for commercial use, and its location near the college highlighted its potential for parking or commercial development. The petitioners claimed the property's value at various amounts, ranging from $315,975 to $520,500, based on its historical significance to chiropractic. The IRS, however, valued it at $79,000, considering its highest and best use as commercial development after demolition of the existing structures.

**Procedural History**

The petitioners filed for tax deductions based on their claimed valuation of the donated property. The IRS issued a notice of deficiency, valuing the property at $79,000. The petitioners challenged this valuation in the Tax Court, presenting expert testimony to support their higher valuation. After considering the evidence and arguments, the Tax Court issued its opinion, determining the property's fair market value at $80,000.

**Issue(s)**

1. Whether the fair market value of the donated property should be determined based on its highest and best use for commercial development or its historical significance to chiropractic?

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2. Whether the reproduction cost method is appropriate for valuing property with historical or sentimental value?

## Holding

1. Yes, because the court found that the property's highest and best use was for commercial development, valuing it at $80,000, slightly above the IRS's valuation of $79,000.
2. No, because the court rejected the reproduction cost method as it did not reflect the property's market value in light of its highest and best use.

## Court's Reasoning

The court's decision hinged on the concept of "highest and best use," which it defined as the use that would produce the highest present land value. The court noted that the property's location in a commercial zoning district suggested its highest value would be as a site for commercial development, likely after demolition of the existing structures. The court rejected the petitioners' valuation method, which focused on the property's historical significance to chiropractic and used reproduction cost. It argued that such a method would lead to absurd results, as it would not account for the market's willingness to pay for historical significance. The court also considered the lack of evidence of competitive bidding for the property's historical value, noting that the college and its alumni were likely the only interested parties willing to pay above the commercial development value. The court's decision emphasized the need to consider market data and the property's potential for alternative uses in determining its fair market value.

## Practical Implications

This decision has significant implications for valuing charitable contributions of property with historical or sentimental value. It instructs that such valuations should focus on the property's highest and best use, rather than its current use or reproduction cost. This approach may lead to lower valuations for properties with unique historical significance, as their market value may not reflect their cultural or sentimental importance. Tax practitioners advising clients on charitable contributions should carefully consider the property's potential for alternative uses and the likelihood of competitive bidding based on its historical value. This case may also influence how museums, historical societies, and other organizations value and accept donations of property with historical significance, as they may need to adjust their expectations and valuation methods to align with the court's reasoning.

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