



March 9, 2015

APRIL 1, 2015 DEADLINE APPROACHING FOR FILING REAL PROPERTY TAX APPEALS

Annual real estate taxes billed by your municipality are based on the assessed valuation of your property. It is therefore important to periodically review your property assessment to determine whether it is correct based upon fair market value. Due to fluctuations in the real estate market, you may be entitled to reduce your tax payment by filing a tax appeal challenging your current assessment. The deadline for filing an appeal is April 1, 2015 unless your municipality performed a revaluation or reassessment, in which case the filing deadline is extended to May 1, 2015.

The New Jersey Constitution mandates that all real property be assessed according to the same standard of value. It is fundamental that a taxpayer is entitled to "treatment commensurate with that given his fellow taxpayers within the municipality" and that if it is not accorded, he is entitled to a judicial or quasi-judicial remedy. If a County Board of Taxation or the Tax Court of New Jersey determines that your assessment is in excess of the true or assessable value of your property, you may be entitled to a tax refund or credit against subsequent quarterly taxes. Moreover, a lower tax assessment would result in further cost savings throughout successive tax years.

Tax assessors are required to assess all property according to its "full and fair value." This means that the assessment must reflect the most probable price that a property should bring in a competitive and open market under all conditions requisite to a fair sale. The date of valuation for tax appeal purposes is October 1 of the pretax year. Thus, for the 2015 Tax Year, the date of valuation is October 1, 2014.

If you own real property, you should have received a Notice of Assessment from the tax assessor of your municipality on or before February 1, 2015. It is generally in the form of a small green post card which indicates the 2015 assessment. Once you know what your assessed value is, you must analyze it in conjunction with the "average ratio" determined for your municipality. This will give you an indication of what the tax assessor believes to be the fair market value of your property.

The tax assessor's determination of value and the corresponding assessment are afforded a presumption of correctness and the burden to prove otherwise is on the taxpayer. To overcome this presumption, the taxpayer must present competent and sufficient evidence that the assessment is not indicative of true value. That evidence must be definite, positive and certain in quality and quantity to overcome the presumption. An appraisal is typically required to present evidence of fair market value.

If you are interested in filing a tax appeal this year and wish to speak to an attorney regarding possible representation, please contact Robert B. McBriar, Esq. at (973) 295-3670. Mr. McBriar frequently appears before the County Tax Boards and New Jersey State Tax Courts on behalf of taxing districts and property owners in defending and litigating real property tax appeals.

The Tax Appeal Practice Group at SPSK is experienced in all aspects of state and local property tax litigation including initial evaluation, preparing and filing the requisite pleadings, coordinating with real estate professionals, negotiating settlements, and litigating contested cases before County Tax Boards and the Tax Court of New Jersey. Our Attorneys have handled a broad range of tax appeal matters involving complex commercial developments, corporations, financial institutions, residential property, and vacant land. In addition, we provide legal guidance and representation involving other tax issues such as farmland assessment classification, property tax deductions, exemptions, and abatements.

DISCLAIMER: This Legal Alert is designed to keep you aware of recent developments in the law. It is not intended to be legal advice, which can only be given after the attorney understands the facts of a particular matter and the goals of the client. If someone you know would like to receive this Legal Alert, please send a message to Robert B. McBriar, Esq. at rbm@spsk.com.

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