

# **Guidelines Statement**

## **2009 Property Tax Appeals**

### **General Statement**

Due to the anticipated high volume of property tax appeals for the 2009 tax year, the Ocean County Board of Taxation has prepared this short statement to provide additional guidance to individuals who plan to file property tax appeals. We must first emphasize that it is most important you read the attached booklet on your rights to file appeals and complete the appeal form, which has been provided by the tax board staff. The form can also be downloaded from the Internet. This addendum only provides guidance to reinforce some of the most important elements that will impact your ability to be successful at a tax hearing.

### **Presumption of Correctness**

By state law, the Ocean County Tax Board is required to recognize a presumption of correctness to the property assessment established by your local tax assessor. Accordingly, you are the petitioner and it is your responsibility to prove that your tax assessment exceeds the market value of the specific property.

The Board wishes to advise all parties that tax assessments are specific to each individual property. Assessments do not represent average or median values. The assessment has been calculated by the tax assessor, or a revaluation company, utilizing accepted valuation standards, and by law the Board must recognize the presumption of correctness.

### **Requirement for Proof**

As a petitioner, the taxpayer must provide comparable sales that are specific to the property under appeal. No more than 5 comparable sales may be entered.

You must be prepared to discuss the comparable elements of the sold properties as compared to the property under appeal. This includes, but is not limited to the: 1) location; 2) quality and condition; 3) comparability of model/size (square footage); 4) comparability of features (number of bedrooms, number of baths, etc.). Photographs are always helpful to the Board.

You should be prepared to address the legitimacy of the transaction i.e. it should be one of willing buyers and willing sellers who are not influenced by extraordinary issues (foreclosure, bankruptcy, and transactions between related parties, etc.).

The Board will not accept as evidence of value the following:

1. A third party analysis obtained via the Internet without the qualified expert being available to testify.
2. News articles, statements of television personalities, or any published real estate market statements and opinions.
3. Testimony as to value from realtors, attorneys or third parties that are not New Jersey State Certified or Licensed Real Estate Appraisers.

### **Professional Testimony**

Testimony should be concise, to the point, and non-repetitive. It is not necessary to reiterate testimony to the Board. The Board appreciates the opportunity to accept appraisals completed by state certified appraisers; however the appraiser must be present at the hearing to provide testimony and for cross examination.

The property owner may testify as to the value of their property as supported by comparable sales, provided the information was submitted and received by the Ocean County Board of Taxation AND the municipal tax assessor upon the filing of the appeal or seven (7) calendar days prior to the hearing.

### **Who May Present Appeals**

A property owner may present their own tax appeal provided they follow the guidelines as discussed herein and in the attached booklet.

An attorney may represent a property owner; corporations or LLCs must be represented by a NJ licensed attorney. The Board will not accept testimony as to value from attorneys.

A husband or wife may not represent their spouse when presenting a tax appeal for a property that is owned individually unless a Power of Attorney statement is provided to the Board. The same applies for children when representing their parents or vice versa.

A partner can present an appeal for a partnership in which he has an interest, but they should have available a Power of Attorney form from the other partner(s) authorizing full representation.