



**A GUIDE AND INSTRUCTIONS FOR A
SUCCESSFUL APPEAL**

County Of Burlington

BOARD OF TAXATION

49 Rancocas Rd Rm111

P. O. Box 6000

Mount Holly, NJ 08060

609-265-5056

www.co.burlington.nj.us

DO'S

- READ ALL INSTRUCTIONS
- SIGN THE PETITION PAPER OR ONLINE
 1. NOTICE TO MUNICIPAL TAX ASSESSOR AND CLERK ARE DONE AUTOMATICALLY WHEN FILING ONLINE
 2. ONLINE FEES ARE PAID BY CREDIT CARD
- FILE YOUR PAPER PETITION WITH:
 1. BURLINGTON COUNTY BOARD OF TAXATION WITH APPROPRIATE FEE
FEES ARE PAID BY CREDIT CARD, CASH OR CHECK
 2. MUNICIPAL TAX ASSESSOR
 3. MUNICIPAL CLERK
- FILL OUT COMPARABLE SALES GRID AND CONFIRM YOUR SALES
 - GRID PROVIDED IN PACKET
- CHECK FOR NON-USABLE SALE CODES
 - THERE ARE 33 NU CODES
 - <https://www.state.nj.us/treasury/taxation/pdf/lpt/guidelines33.pdf>
- FILL OUT THE INFORMATION LEGIBLY AND COMPLETELY
- INCLUDE THE CORRECT CONTACT INFORMATION FOR THE HEARING NOTICE
 1. PROPERTY ADDRESS
 2. NAME
 3. EMAIL
 4. PHONE NUMBERS
 5. ATTORNEY IF APPLICABLE

PAPER PETITIONS MUST BE FILED BY 4PM THE DAY OF THE DEADLINE OF JANUARY 15TH UNLESS IT FALLS ON A WEEKEND OR HOLIDAY THEN IT WOULD BE THE NEXT FOLLOWING BUSINESS DAY.

DON'T

APPEAL YOUR TAX DOLLARS

The purpose of the appeal is that as a property owner you are appealing the assessed valuation that was provided to you on the "notice of assessment card" you received in November.

COMPARE ASSESSMENT VALUES

Assessments are certified by the preliminary tax list on November 1st of the pre-tax year and the final tax list on May 5th of the tax year. The *only actions* that can be taken to *change* an assessed value is 1. a revaluation, 2. a reassessment, 3. a compliance plan, 4. physical changes to the property with or without a permit, or 5. an appeal. If there are no actions taken described in 1-5 the assessment remains the same.

Only sales of 10/1 pre-tax year are used to argue value. For example: 2022 tax list assessment values use sales from 10/1/2020-10/1/2021 to qualify to discuss the 2022 value. The municipality's ratio is then applied to determine assessed value.

The Burlington County Board of Taxation is a quasi-judicial body and follow the rules of the New Jersey State Tax Court.

Preparation is key to presentation

A GUIDE FOR A TAX APPEAL HEARING WITH THE BURLINGTON COUNTY BOARD OF TAXATION

WHAT TO EXPECT ONCE YOU HAVE FILED YOUR APPEAL - This guide has been prepared to assist you in the appeal process. The material following provides you with what to expect after you file the appeal on your property's assessment and the actual hearing.

FILING DEADLINES - January 15th the petition of appeal form A-1 must be filed. Online appeals will be accepted until 11:59pm. Paper appeals will be accepted until 4:30pm before the close of the Tax Board office. If the notice of assessment (NOA) mailed out in November is mailed after November 30th each day thereafter shall be added to the deadline date to satisfy the 45 days statutory obligation. For municipalities who performed a REVALUATION or REASSESSMENT January 15th remains the deadline.

Should the filing deadline fall on a Saturday, Sunday, or Holiday, the deadline would be the next business day.

NOTIFICATION: N.J.A.C. 18:12A-1.9 (b) – a 10-day notification of a scheduled hearing is required, and all hearing notices will be mailed within the required time frame. The hearing notice will inform you of the date, location, and time of your hearing.

LOCATION: Burlington County Board of Taxation
49 Rancocas Rd
Mt. Holly, NJ 08060

DATE: During the months of February, March, and April. Monday through Friday.

TIME: Unless otherwise noted the hearing begins at 9:00am

PARKING – Visitor parking lot located on Rancocas Rd, or the public parking lot located off Park Drive both across from the Burlington County employee parking

ADJOURNMENTS – The hearings are a judicial procedure and adjournments are only granted for extraordinary reasons and shall be requested in writing via email, regular mail, or by fax. Please consider a virtual, teleconference, or other means necessary to accommodate your situation. Please notify the Tax Board as soon as permissible as to the type of hearing necessary to make the accommodations.

EXCHANGE DATES FOR EVIDENCE N.J.A.C. 18:12A-1.9 (h) – It is required that all evidence must be submitted to the Board and exchanged with the municipality no later than seven (7) days prior to the scheduled hearing. It is recommended that comparable sales or appraisal evidence be provided to the assessor when filing, Form A-1 Petition of Appeal, allowing the assessor a greater opportunity to determine if a change is warranted and a possibility of a stipulation to be discussed for a settlement.

AT THE HEARING:

- Please have cell phone turned off or silenced
- When your appeal is called, you will be sworn-in prior to your testimony
- You will be asked to explain the reason for your appeal and to testify to your evidence
- The municipality will have the opportunity to cross examine you and/or an expert (if applicable)
- The municipality will summarize their evidence
- You or an attorney representing you and the expert will have the opportunity to cross examine the municipality
- The members of the Board may request additional information or clarification of the facts that were presented
- The Board will deliberate and render a judgment based on all the facts presented to them by both sides

A GUIDE FOR A TAX APPEAL WITH THE BURLINGTON COUNTY BOARD OF TAXATION

WHAT IS NOT ACCEPTED AS EVIDENCE-BASED

- Any appraisal where the intended use is for financing and its intended user is a financial institution. An appraisal should be specified for “Market Value” as of October 1st.
- A third-party analysis obtained via the internet or “property tax service” without the qualified expert able to testify, will not be acceptable evidence.
- News articles, statements of television personalities, or any published real estate market statements and opinions could be construed as hearsay. Testimony of the person responsible for the information would need to be present to testify to its content.
- Testimony as to value from realtors, attorneys or third parties that are not a **New Jersey State Certified Licensed Real Estate Appraiser** will not be accepted by the Tax Board as evidence of value.

EXPERT WITNESS

- All expert witnesses will be qualified by the Municipality and approved by the Tax Board.
- An expert witness may testify at the hearing.
- If you submit an appraisal as evidence the appraiser must be present NJSA 45:14f-21(c).
- No person other than a State licensed or certified real estate appraiser or a person who assists in the preparation of an appraisal under the direct supervision of a State licensed or certified appraiser shall perform or offer to perform an appraiser assignment regarding real estate located in this State including, but not limited to any transaction involving a third party, person, government or quasi-governmental body, court, quasi-judicial body, or financial institution.
- The Tax Board **does not** notify your expert witness of a hearing. That is your responsibility.

SUBJECT SALE (owner’s property)

- The sale of the subject may not be conclusive proof of value. Other evidence should be submitted to support the value, such as other comparable sales of similar properties.

INSPECTIONS

- The Tax Assessor shall request to inspect the interior of the property under appeal to ensure that the Property Record Card aka PRC is accurate. If the Assessor informs the Tax Board, prior to the scheduled hearing that access to the property was denied, the Board may direct the parties to perform an inspection prior to hearing further testimony.

STIPULATIONS

- A stipulation of settlement (STIP) is an agreement of value with the municipal assessor. The paper form must be signed and returned to the Tax Board and tax assessor prior to your scheduled hearing date. Online appeals shall be signed electronically. The STIP shall be signed by the property owner, municipal tax attorney and the tax assessor to be valid.
- It would not be necessary for the taxpayer to attend the hearing if a STIP has been done.

YOU DIDN'T STIPULATE YOUR APPEAL WITH THE MUNICIPALITY AND YOU ARE SCHEDULED FOR A HEARING

Resolution 2021-13 adopted by the Burlington County Board of Taxation (Board) grants an aggrieved taxpayer in an appeal the following options:

R.S. 54:3-21 g. amended as follows: At the property owner's **written** request submitted at the time of filing, the county board of taxation may proceed with a full evidentiary hearing based on the evidence submitted at least seven (7) full days prior to the original appeal hearing date, without the attendance of the property owner.

The ability to proceed based on the evidence timely submitted is at the sole discretion of the property owner. The attendance of the author of any **expert appraisal or report** submitted as evidence in an appeal, if otherwise required, shall not be waived by the taxpayer's decision not to attend the appeal hearing.

R.S. 54:3-22 h. is amended as follows: At the property owner's **written** request submitted at the time of filing, assessment appeal hearings conducted by the Board may be conducted virtually, using conference call technology and protocols adopted by the Board. The Board may relax the requirement of the time of the taxpayer's appeal as the needs of justice allow.

The adoption of the protocols of the New Jersey State Tax Court use of Teams or similar product equivalent, Zoom or other similar product equivalent, or in-person meetings to satisfy the procurement of the aggrieved taxpayer's property or taxing district's appeal, and the conditions set forth under Chapter 136 (CORRECTED COPY). The rules governing the protocols will be at the discretion of the Tax Board.

IN SUMMARY

1. Choose **not to** appear before the Tax Board and rely on the evidence provided for the Tax Board to review for determination of value. A request in writing must be received by email, regular mail or fax with a check mark on the application of appeal with selection of appeal type. A memorandum of judgment will be the finalization of the Tax Board that can be appealed to the State Tax Court within 45 days of mailing of the memorandum of judgment.
2. Choose **not to** appear before the Tax Board and rely on the evidence provided. Any expert witness **shall appear** before the Tax Board to determine a final value. A request in writing must be received by email, regular mail, or fax with a check mark on the application of appeal with selection of appeal type. A memorandum of judgment will be the finalization of the Tax Board that can be appealed to the State Tax Court within 45 days of mailing of the memorandum of judgment.
3. Choose to appear before the Tax Board with an alternative method other than in-person due to an extreme situation that prohibits the in-person appearance. The alternate method shall be decided by the Tax Board to best assist the circumstances. A request in writing must be received by email, regular mail, or fax with a check mark on the application of appeal with selection of appeal type.
 - a. To meet virtually with one or more of the members of the Tax Board
 - i. Where there are less members than a quorum, the members shall meet at the next scheduled hearing to discuss the evidence presented then make the determination of value with a quorum presented at the hearing.
 - b. To meet by telephone conference call with one or more of the members of the Tax Board

- i. Where there are less members than a quorum, the members shall meet at the next scheduled hearing to discuss the evidence presented then make the determination of value with a quorum presented at the hearing.
- c. To meet by Teams or other similar communication program with one or more of the members of the Tax Board
 - i. Where there are less members than a quorum, the members shall meet at the next scheduled hearing to discuss the evidence presented then make the determination of value with a quorum presented at the hearing.

TIME OF FILING

The petition of appeal form A-1 revision 11-21 (November 2021) was updated to reflect the new procedures as stated above. In sections 7 and 8 on the form it describes the REPRESENTATION AT HEARING and the SUMMARY HEARING.

At the point of the filing of the petition this would be when the decision of appearance would be made and in writing to the Board by email, regular mail, or fax with a check mark on the petition to select appeal type. This decision can be changed before the date of the hearing and shall not be changed the day of the hearing.

Again, a written request to change the appeal type can be done by email, regular mail, or fax to override the previous decision. Phone calls are not acceptable.

EMAIL TO: taxboard@co.burlington.nj.us

MAIL TO: Burlington County Board of Taxation
49 Rancocas Rd Rm 111
P. O. Box 6000
Mt. Holly, NJ 08060

FAX TO: 609-265-8074

PLEASE NOTE: The online appeal application has not been configured to reflect the “select appeal type” from the most recent revision of the Form A-1. Because of this, the Burlington County Board of Taxation will accept written letters of appeal type at any time after the online filing but at least seven (7) full days before the scheduled hearing date which is also the deadline for the submission of evidence.

The paper application reflects the changes of the law and the “select appeal type” is there for the choosing.

IF THE SECTION IS LEFT BLANK (no check mark for appeal type) THE HEARING WILL BE IN-PERSON UNLESS OTHERWISE NOTED.

APPEAL TIPS

REVIEW YOUR PROPERTY RECORD CARD:

Property record cards can be obtained from the municipal assessor where the property is located. This card provides information regarding your property which is the basis for the property assessment value.

COME PREPARED:

Have your papers in order. Be prepared to discuss major points that you want to make. Be familiar with your comparable sales and how they are the same or different from your property. Be concise and focused on what is important.

DO YOUR HOMEWORK:

Find sales that have similar characteristics to your property neighborhood. Research your sales; be able to explain why you chose them.

CONFIRM YOUR SALES:

Verify that the comparable sales are fair market sales that have been exposed to the market for a reasonable time, between a buyer and a willing seller, in an arms-length transaction. Sales that are marked with an NU code are referred to as a non-usable sale for example, sales between family members, or with special financing, sheriff's sales, short sales, and foreclosures. **If using a sale with a non-usable code, you must prove why the sale reflects true market value and would be usable for your purpose.**

EVIDENCE:

It is required that all evidence must be submitted to the county tax board and with the municipality no later than seven (7) calendar days prior to the date of the hearing. *It is recommended that comparable sales or appraisal evidence be provided to the assessor when filing the appeal. This will allow a greater opportunity for the assessor to determine if a settlement is warranted.*

DON'T COMPARE ASSESSMENTS:

"If it didn't sell, then don't use it." Only market sales are valid evidence for comparable property analysis. Do not reference a neighbor's assessment as a basis of comparison for the appeal. There are various reasons for each assessment value listed in the tax list.

WHAT IS A COMPARABLE SALE?

Comparable sales are properties that are “like” your property in your neighborhood. The more similar the characteristics the comparable properties are to your property, the better it will help you in the appeal. For example: style of house, total square foot of living space, number of bathrooms, type of heat source, a pool, a garage whether attached or detached 1 car or 2 car storage, basement finished or unfinished are just a few value contributing features that should be considered.

A value is derived by comparing similar properties that have recently sold, identifying the features of the comparable and whether an adjustment would be made for those features that are omitted or those features that are enhancements compared to your property. The sales price would be adjusted based on relevant market-derived elements of comparison.

Be prepared to discuss the similarities between your property and the comparable sales that have been selected. Pictures of your property and the comparable sales are helpful. **Exterior** measurements are the standard methodology used to calculate square footage.

WHAT IS THE TIME FRAME OF THE COMPARABLE SALE TO BE USED?

October 1st – the year before the year under appeal, 10/1/2021 for 2022 value, is the date to begin. Sales used as comparable must have occurred on or before October 1st of the pre-tax year. For the 2022 tax year sales between 10/1/2020 and 10/1/2021 shall be used.

CAN A LISTING OF A SALE BE USED AS A COMPARABLE SALE?

No. A listing is not a sale. The value that a property is listed at is not necessarily the value at which it would be sold at some later date.

CAN A SALE WITH AN NU CODE (NON-USABLE) BE USED AS A COMPARABLE SALE?

No. However, in some rare situations, but shall be proven, a sale marked with a non-usable code may apply. There are 33 codes set by the State of NJ, Department of the Treasury, Division of Taxation that are used to depict those sales in the market that are not used as arms lengths transactions. They are not used in the calculation of the director's ratio in the equalization table throughout the State. It is best practice to deny an NU sale as a comparable.

CAN A PROPERTY OWNER CHALLENGE THE COMPARABLE SALES USED BY THE MUNICIPALITY?

The Burlington County Board of Taxation is a quasi-judicial body that follows the laws and procedures of the State Tax Court. Both sides will deliver their evidence and their argument to their respective positions. The property owner has the **burden of proof** that the assessment value is not correct by providing the evidence that would change the assessment. The Board will presume the correctness of the assessment by the assessor to be true. The assessor's evidence is proof of the assessment for the Board's assumption of correctness. The property owner's evidence is the focus of the Board to find if the burden has been proven to qualify for the assessment to be overturned.

COMPARABLE SALES ANALYSIS FORM

NAME:

MUNICIPALITY:

	PROPERTY LOCATION:	SUBJECT (YOUR HOUSE)	COMPARABLE SALES		
			#1	#2	#3
	BLOCK/LOT/QUALIFIER	BL. L. Q.	BL. L. Q.	BL. L. Q.	BL. L. Q.
	ADDRESS				
2	ASSESSED VALUE		XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
3	SALES/PURCHASE PRICE				
4	DATE OF SALE/PURCHASE				
5	LOT SIZE				
6	LOCATION (BETTER, ETC)	XXXXXXXXXX			
7	PROXIMITY TO SUBJECT	XXXXXXXXXX			
8	AGE (YEAR BUILT)				
9	CONDITION (GOOD, ETC)				
10	STYLE (RANCH, ETC)				
11	SQ. FT. OF LIVING AREA (GLA)				
12	NUMBER OF LIVING UNITS				
13	TOTAL ROOMS/BDRMS/BATHS	/ /	/ /	/ /	/ /
14	BASEMENT (SIZE)/ FINISH	/	/	/	/
15	TYPE OF HEAT				
16	CENTRAL AIR CONDITIONING				
17	NUMBER OF FIREPLACES				
18	GARAGE (SIZE)/OUTBLDGS				
19	PORCHES/DECKS/PATIO				
20	INGROUND POOL (SIZE)				
21	MISCELLANEOUS ITEMS				

22 ADDITIONAL COMMENTS:

SUBJECT:

SALE #1:

SALE #2:

SALE #3:

THIS FORM MUST BE SUBMITTED TO THE TAX BOARD (5 COPIES) AND ONE COPY TO BOTH THE MUNICIPAL OR COUNTY ASSESSOR AND MUNICIPAL CLERK NO LATER THAN SEVEN (7) DAYS PRIOR TO YOUR HEARING

VACANT LAND ONLY

SALES COMPARISON ANALYSIS

MUNICIPALITY: _____ BLOCK: _____ LOT: _____

PROPERTY LOCATION: _____ QUAL: _____

PRIOR SALES HISTORY: DATE _____ PRICE _____

ITEM	SUBJECT	COMPARABLE #1		COMPARABLE #2		COMPARABLE #3	
		BLOCK#	LOT#	BLOCK#	LOT#	BLOCK#	LOT#
Address							
Distance to Subject							
Sales Price							
Price per sq. ft/acre							
Data Source							
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+(-) ADJ'T	DESCRIPTION	+(-) ADJ'T	DESCRIPTION	+(-) ADJ'T
Sales or Financing Concessions							
Date of Sale/Time							
Location							
Site/View							
Land Size							
Frontage							
Land Constraints							
Zoning							
Approvals							
Net Adj. (total)							
Indicated Value of Subject							

Comments on Sales Comparison:

HOW TO PREPARE A COMPARABLE SALES ANALYSIS

This Comparable Sales Analysis Form is an organizer to help you determine if the equalized assessed value of your property exceeds the market value of your property and to aid you in presenting your argument to the assessor and, if necessary, the county tax board.

The first step is to select legally usable comparable property sales, i.e., open market sales between willing buyers and sellers which would be competing with your property if both were offered on the market at the same time. If a typical buyer looking to purchase your property would also consider purchasing your comparable property, because it has similar utility, location and attractiveness, it's probably a good comparison. Next, use the Comparable Sales Analysis Form to compare your property and the properties that have sold.

1. Properties' Identification-Select at least three, if possible, properties that have sold which are the most similar to your property. On the "Block and Lot" line, enter your property's identification numbers under "subject" and the numbers of the first three comparable properties under "comparable sales" #1, #2 and #3. On the "Address" line, enter your address and the address of each comparable property sold. The "Q" line is only used for condominiums and qualified farm properties.
2. Assessed Value- Enter only the "assessed value" for your property (the subject). Your total assessed value is already on all completed appeal forms. Remember, you are trying to measure market value, not assessed value.
3. Sale/Purchase Price - Enter the sales/purchase price as it appears on the deed. You may confirm prices with public records or with the municipal assessor's office.
4. Sale Date- Enter the sales date, i.e., closing date or deed date. You may confirm dates with public records or with the municipal assessor's office.
5. Lot Size-Enter dimensions, as 50' x 150' (feet), or acres, as 1.25 acres or .50 acres. Note other aspects of the lot as "wooded," "view," "steep," "irregular shape," etc. under "Additional Comments."
6. Location-Here your property's location is the standard; use comparative terms, for example, "similar," "better" or "worse," for each comparable sale property. Explain any significant differences in location in "Additional Comments."
7. Proximity to Subject-Estimate the distance, in miles or blocks, between your property and the comparable properties sold. If a comparable property is in your immediate area write "neighborhood," "next door" or "one block," etc. If you exclude a similar nearby sale property in favor of one that is farther away, you should be able to explain your reason.
8. Age-Enter the year built.
9. Condition- Accurately state the general condition of your property as "good," "fair," "poor," "very good," or "excellent" and the condition of your comparable sales properties using the same terms. Be prepared to justify your statements by your own investigation of each sale. View each comparable property from the exterior and provide at least one photograph of each. Also try to utilize a local multiple listing service, listing agent, or contact the seller, or buyer to ask about the condition of the comparable properties.
10. Style- Identify style as "ranch," or one story, "colonial" or two story, "cape" or 1.5 story, "bi-Level," "split level" or "contemporary," etc. Photos help the assessor and county tax board commissioners recognize the style and attractiveness of the properties.
11. Square Feet or Gross Living Area, (GLA)-Living area includes all livable space above basement level or above grade and is based on gross or exterior dimensions. Exterior dimensions of 25' x 40' and two full stories would have approximately 2,000 square feet of Gross Living Area. The same exterior dimensions with one and one half stories would have about 1,500 sq. ft. of GLA. Your assessor can provide this number for your

property and each comparable property sale. Try to settle any factual issues regarding gross living area, etc. with the assessor prior to a county tax board hearing.

12. Number of Living Units-A single family dwelling is 1 living unit; use 2, 3, or 4 for a two to four family residence. Do not compare a single family dwelling with a multi-unit dwelling. You may compare a multi-unit dwelling with other multi-unit residences having different numbers of dwelling units, as long as they're not single family. An in-law or domestic suite is not a multi-unit dwelling, unless this suite may be legally rented to a non-family member. If so, identify this on this line, as "in-law suite included," and explain under "Additional Comments."
13. Total Rooms/Bedrooms/Baths-Report this as "8/4/2.1" for an eight room, four bedroom, two and one half bath property; for three half baths in the same property "8/4/2.3." Include a "bonus" room in the room count and explain under "Additional Comments." Report basement baths here w/"Added Comments" and unusual positive/negative characteristics of the property layout w/Added Comments.
14. Basement Size/Finish-Write "full," "partial," or "crawl space" or "slab" if none. Enter percentage of finished area, as "100%," "75%," (three quarters finished) or "50%" (half finished). Note if there is a full or half bath on basement level here. Explain quality of the finish and factors as "walk out access" under "Additional Comments."
15. Type of Heat-Write in fuel first, as "gas," "oil" "electric" or other; then if the system is "forced air," "hot water" or "steam." Write number as (2) or (3) for properties with 2 or 3 separate systems.
16. Central Air Conditioning-Usually a "yes" or "no" answer. If the property has central air but it's not operating, still indicate central air is present and explain under "Additional Comments." If central air is only for first or second floor of a two story property, for example, write "2nd floor only" here.
17. Number of Fireplaces-Enter the number, for example, 1 to 4.
18. Garage (size)/Outbuildings-Example, write "2 car att." for a two-car garage attached to the property or "1 car det." for single car, detached, free-standing garage. Typical outbuildings include sheds, barns, cabanas, etc. Explain condition, size and quality etc., under "Additional Comments."
19. Porches/Decks/Patios- Indicate size, e.g., 10 x 12 or 15 x 25, and character of each. Have a general idea of construction quality and condition.
20. In-Ground Pools-Report size, e.g., 20 x 40 or 18 x 36, and material, e.g., steel wall with vinyl liner, or concrete/gunite. Note the age, if possible, and overall condition of the pool, as best you can. Removable above ground pools are generally not assessed.
21. Miscellaneous Items- Identify and describe.
22. Additional Comments-In this area, add comments to cover key aspects of your property (the subject) and each comparable property which may not be adequately identified on the form, such as "flood zone location" indicating how often, how severely and when the property last flooded. See example comments on the sample form in these instructions. If you have questions, ask your assessor for help.

***Remember you are using your comparable properties to substantiate the market value of your property (the subject property.) When deciding whether to appeal, it may be useful to evaluate the entries as superior or inferior to your property. If your entries are mostly inferior, the average of the sale prices should be lower than your property's value. If your entries are mostly superior, then the average of the sale prices should be higher than your property's value. If your items are mostly the same, the average of the sale prices of the comparable sales properties should be similar to your property's market value. An assessed value should not exceed the market value of a property. All properties in a municipality should be assessed at the same level. Bring this form when you meet with the assessor. Submit this form with all copies of your filed appeal at least seven days prior to your hearing before the county tax board commissioners.

18:12-1.1 Categories enumerated

(a) The deed transactions of the following categories are not usable in determining assessment-sales ratios pursuant to N.J.S.A. 54:1-35.1 et seq.:

1. Sales between members of the immediate family;
2. Sales in which "love and affection" are stated to be part of the consideration;
3. Sales between a corporation and its stockholder, its subsidiary, its affiliate or another corporation whose stock is in the same ownership;
4. Transfers of convenience; for example, for the sole purpose of correcting defects in title, a transfer by a husband either through a third party or directly to himself and his wife for the purpose of creating a tenancy by the entirety, etc.;
5. Transfers deemed not to have taken place within the sampling period. Sampling period is defined as the period from July 1 to June 30, inclusive, preceding the date of promulgation, except as hereinafter stated. The recording date of the deed within this period is the determining date since it is the date of official record. Where the date of deed or date of formal sales agreement occurred prior to January 1, next preceding the commencement date of the sampling period, the sale shall be nonusable;
6. Sales of property conveying only a portion of the assessed unit, usually referred to as apportionments, split-offs or cut-offs; for example, a parcel sold out of a larger tract where the assessment is for the larger tract;
7. Sales of property substantially improved subsequent to assessment and prior to the sale thereof;
8. Sales of an undivided interest in real property;
9. Sales of properties that are subject to an outstanding Municipal Tax Sales Certificate, a lien for more than one year in unpaid taxes on real property pursuant to N.J.S.A. 54:5-6, or other governmental lien;
10. Sales by guardians, trustees, executors and administrators;
11. Judicial sales such as partition sales;
12. Sheriff's sales;
13. Sales in proceedings in bankruptcy, receivership or assignment for the benefit of creditors and dissolution or liquidation sales;
14. Sales of doubtful title including, but not limited to, quit-claim deeds;
15. Sales to or from the United States of America, the State of New Jersey, or any political subdivision of the State of New Jersey, including boards of education and public authorities;
16. Sales of property assessed in more than one taxing district;
17. Sales to or from any charitable, religious or benevolent organization;
18. Transfers to banks, insurance companies, savings and loan associations, or mortgage companies when the transfer is made in lieu of foreclosure where the foreclosing entity is a bank or other financial institution;

DEPARTMENT OF TREASURY-TAXATION

19. Sales of properties whose assessed value has been substantially affected by demolition, fire, documented environmental contamination, or other physical damage to the property subsequent to assessment and prior to the sale thereof;
20. Acquisitions, resale or transfer by railroads, pipeline companies or other public utility corporations for right-of-way purposes;
21. Sales of low/moderate income housing as established by the Council on Affordable Housing;
22. Transfers of property in exchange for other real estate, stocks, bonds, or other personal property;
23. Sales of commercial or industrial real property which include machinery, fixtures, equipment, inventories, or goodwill when the values of such items are indeterminable;
24. Sales of property, the value of which has been substantially influenced by zoning changes, planning board approvals, variances or rent control subsequent to assessment and prior to the sale;
25. Transactions in which the full consideration as defined in the "Realty Transfer Fee Act" is less than \$100.00;
26. Sales which for some reason other than specified in the enumerated categories are not deemed to be a transaction between a willing buyer, not compelled to buy, and a willing seller, not compelled to sell;
27. Sales occurring within the sampling period but prior to a change in assessment practice resulting from the completion of a recognized revaluation or reassessment program, i.e., sales recorded during the period July 1 to December 31 next preceding the tax year in which the result of such revaluation or reassessment program is placed on the tax roll;
28. Sales of properties which are subject to a leaseback arrangement
29. Sales of properties subsequent to the year of appeal where the assessed value is set by court order, consent judgment, or application of the "Freeze Act";
30. Sale in which several parcels are conveyed as a package deal with an arbitrary allocation of the sale price of each parcel;
31. First sale after foreclosure by a Federal-or State-chartered financial institution;
32. Sale of a property in which an entire building or taxable structure is omitted from the assessment; and
33. Sales of qualified farmland or currently exempt property.

(b) Transfers falling within the foregoing category numbers 1, 2, 3, 9, 10, 13, 15, 17, 26, 28 and 31 (under (a) above), should generally be excluded but may be used if after full investigation it clearly appears that the transaction was a sale between a willing buyer, not compelled to buy, and a willing seller, not compelled to sell, with all conditions requisite to a fair sale with the buyer and seller acting knowledgeably and for their own self-interests, and that the transaction meets all other requisites of a usable sale. 02/13