



Thinking of Taking a Tax Appeal? Consider the Facts. Let Us Help You.

By John Paul Doyle, Esq.

As the calendar turns to a new year, it is time to evaluate your property taxes. If you haven't already, you will receive a post card from your municipality telling you what the assessment on your property is. The only way to effectively reduce your local property tax, whether for your residential or commercial property, is by reducing the assessment the township has placed on your property. You have a limited time to appeal the assessment given by the township. The deadline for filing a tax appeal is April 1, 2012 and no extensions are granted.

Does your property's assessment properly reflect the correct current market value? Chances are your it doesn't. The continuing downward turn in real estate prices in our area, unfortunately, makes that likely. While the law presumes that the assessment is valid, you have the right to challenge the assessment. That is done by filing an appeal with the County Board of Taxation. Included in the appeal is a form to be filled out as well as a certification that it has been delivered to several municipal offices and the county office. Negotiations are usually had once an appeal is filed with the Municipal Assessor. In certain cases an appraiser is hired to provide an appraisal based upon recent comparable sales. Taxpayers may find

the entire appeal process very challenging. That is where an attorney can assist in relieving the taxpayer of the stress and time associated with the appeal.

In the past three years our firm has helped thousands of taxpayers collectively obtain assessment reductions resulting in lessening their overall tax burden by over \$1 million. Reducing an assessment in one year will provide a reduced assessment often for years to come because that assessment remains constant until the municipality reassesses the entire township. For instance, such revaluations did not occur until fifteen years after the prior one in Brick and Toms River.

Generally we work on a contingent fee, so that no fee is paid unless we successfully obtain a reduction in your taxes. While a reduction will benefit you for years to come our fee is only based upon the savings for the first year and is only a portion of that savings. The filing fee, depending upon the assessment of your property, is between \$25 and \$150. The filing of an appeal, the negotiations and possible hearing that takes places subsequently can be a difficult process for the lay person.



Hopefully our experience in the area of law can provide a service to you that will be financially meaningful. We are prepared to offer a free telephone consultation with any taxpayer who wants to find out more about the process and the possibilities of having their taxes reduced. We know that the past results we have obtained for our many clients does not guarantee future decisions. We hope though that you will find that our experience and knowledge will assist you in providing a beneficial outcome. Please remember that there is a deadline and the paperwork needs to be filed in the proper way and in a timely manner.

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Message from the Managing Member

With every passing of a prior year into a new, it is important to reflect upon the past and look to make the coming year even better than the last. Many of us like to pursue this goal by setting a New Year's Resolution and trying, over the next year, to follow that Resolution. If your Resolution is save money, I suggest you read John Paul Doyle's article on tax appeals. If you have not set a Resolution, we, at CLDD&S, ask that you make 2012 a year with no unnecessary litigation. In this issue of the Firm Commitment, we have prepared two articles to help our clients, family and friends achieve this goal.

By taking proper care and caution in maintaining our properties during the winter season and by properly planning for our advanced years; we can avoid unnecessary litigation that can cause unnecessary stress as well as cost time and money. By making a Resolution to save money or avoid unnecessary litigation, you will also be helping me to reach my New Year's Resolution, adding more laughter to my life. Happy New Year!

***Sincerely,
Edward J. Dimon, Esq.***

News and Notes

On November 11, Vincent Baldanza, son of Paralegal **Sandra Baldanza**, and 113 other students received their White Coat during the White Coat Ceremony at the University of Pennsylvania School of Veterinarian Medicine.



On November 19th, CLDD&S attended the Mega Chamber Expo held at Martell's Tiki Bar. **Neil Brodsky, Esq., Louis A. Felicetta, Esq. and Annemarie Schreiber, Esq.** are pictured.

Ronald E. Prusek, Esq. and Alan E. Meyer, CPA/ABV, CFF were the speakers at the "Tax Considerations & Issues for the Civil Litigator" Seminar on November 30th hosted by the Ocean County Bar Association.

Neil Brodsky, Esq. had the honor of presiding over the Lakewood Chamber of Commerce Installation of Officers on December 13th.

Congratulations to **Stephanie Lacey**, Paralegal, who is expecting a baby girl in May!

Sentencing Alternatives

On November 28th, Governor Chris Christie signed Executive Order 83, the expansion of the New Jersey Adult Drug Court Program. The Drug Court program is a fifteen year old program that offers nonviolent offenders the option of counseling and treatment instead of imprisonment. More than 1/2 of the people sentenced to prison are rearrested while graduates of Drug Court lead a more successful life with only a 1 in 6 re-arrest rate. Not only are these programs effective in helping the offenders, but these programs end up saving the State more than \$20,000 per person. **Edward J. Dimon, Esq.** will be working with Fred Hogan, CSW, CCGC, CJC to provide sentencing alternatives including Intensive Supervision Programs and Parole.

IRS/NJ Tax Relief

In a response to economic conditions, **Edward J. Dimon, Esq.** has formed a team to provide services to those having tax difficulties with the IRS/NJ. This team includes an Enrolled Agent with 25 years' experience with the IRS and the CPA's of Hutchins, Farrell, Meyer & Allison P.A. The team will try to help with abatement of penalties, negotiation of offer and compromise and negotiation of installment agreements.

Construction Alert

During the time it takes to complete improvements and the addition of solar panels to the Parking Garage adjacent to CLDD&S, parking will be limited in the Downtown Toms River area as well as in the CLDD&S parking lot.

CLDD&S Holiday Party



The firm and guests gathered at Aqua Blu Kitchens and Cocktails for our Annual Holiday Party. The night included delicious appetizers and entrees and best of all no snow!

CLDD&S in the Community

Annemarie Schreiber, Esq. and **Jonathan Z. Petro, Esq.** as part of a Kiwanis Project assisted numerous families with shopping at the East Dover Firehouse. Two weeks before Christmas, parents or guardians of children in need were able to select items donated to the Salvation Army as presents for their children including clothes and toys.

Along with being a member of the Ocean Medical Center Foundation, **Edward J. Dimon, Esq.** will also serve on the Board Governance Committee.

Avoiding a Costly Guardianship

By Annemarie Schreiber, Esq.

Every person reading this article has the potential to be the subject of a guardianship hearing. As we get older our mental faculties may become impaired and we may not be able to handle our own personal or financial affairs. Once a person becomes mentally incapacitated, the need for a court-appointed guardian becomes likely. Guardianship proceedings mark a huge loss of control over a person's life, not to mention an intrusion by the court system, a loss of privacy and a significant cost.

A guardianship occurs when a person over the age of 18 is determined by a court to lack the ability to manage their own financial affairs or to conduct other aspects of their lives, such as making medical decisions. In addition to delegating the management of the individual's financial affairs and their medical decisions, the court can also remove other rights such as the individual's right to drive or vote. It is important to keep in mind that a guardianship is the legal option or last resort, to be commenced only if all other options have been exhausted.

So, how can a guardianship be avoided? At times, a guardianship is absolutely necessary and is in the best interest of the person for whom it is established. More often than not, most guardianships are necessitated by a medical or financial crisis. There are many times a guardianship could have been avoided by appropriate planning. This will only be possible if the individual had previously executed certain documents known as a Power of Attorney and an Advanced Medical Directive. These documents can be considered "guardianship substitute" documents. It is important to keep in mind that these documents must be signed before the crisis occurs.



The first document, the Power of Attorney, is a document in which an individual appoints someone they trust (called an "attorney-in-fact") to take over their financial affairs for them should they become mentally incapacitated. The attorney-in-fact can be given the authority to pay bills, manage bank accounts and investments, handle property transactions,

and essentially step into the individual's shoes for financial purposes. The second document, the Advance Medical Directive, is a document that allows an individual to appoint a healthcare agent to make medical decisions for them if they're unable to make those decisions for themselves; it can also allow the individual to communicate their wishes as to what types of end-of-life medical treatment they do and do not wish to receive.

The key to avoiding guardianship is to take these recommended steps while you are clear-headed and aware of your actions. Once a person is suffering from a mental disability, it's too late to engage in incapacity planning.

NOTE: The articles herein contained are provided as general information for our clients, friends and business associates. They are not intended to serve as a substitute for or supplement to legal counsel. Information in these articles is considered to be general in nature and does not apply to the reader's individual situation, circumstances, and jurisdiction.

Shoveling: Who's Responsibility?

By Ronald E. Prusek, Esq.

Winter, the season for snowboarding, skiing, sledding and ice skating, can also be the season for accidents. From a legal perspective, the accidents that create liability occur when a responsibility to use care and caution has been omitted or overlooked. The simple acts of falling or slipping that result in an injury can lead to a claim for compensation.

How can a person protect themselves and others from slips and falls? First and foremost, everyone has a duty to be alert while also using caution when traversing sidewalks and parking lots or entering buildings. What happens if a person was being careful but fell and was injured on your property? Property owners have a duty to conduct themselves and maintain their property with such care so as not to create a hazard for others. The degree of care and circumspection increases with the nature of the property. For example, the owner of a convenience store must clear driveways and sidewalks of snow and ice to permit the public safe, hazard-free access. A residential homeowner only needs to exercise the same care to others as the homeowner would exercise for himself. A homeowner does not need to shovel his driveway or sidewalk in front of his property unless a Borough or Township ordinance exists. However, if a condition is created that is worse than the one eliminated from shoveling the sidewalk, the homeowner will be responsible for any injuries that occur on the property.

Driving during the winter comes with its own set of risks and responsibilities. Every driver has the duty to operate their vehicles safely. Snow and/or ice may decrease visibility and certainly decreases traction. Along with reducing speed, drivers should create a greater stopping distance by allowing more space between your vehicle and the vehicle in front of you.

Purchasing an insurance policy is a simple way to spread risk. For a payment of premiums, an insurance company will defend you if you are sued and indemnify you up to the limit of the policy if someone is deserving of compensation as a result of an injury. Homeowners insurance provides the protection for a private property owner, and commercial insurance acts in the same fashion for the owner and/or operator of a commercial establishment.

In New Jersey, ownership of an automobile requires the maintenance of insurance. Auto insurance protects you in the instance another driver or person sues because of an injury caused from careless driving. Under your policy you are protected when others have either failed to properly insure themselves or when your own injuries exceed the policy limits of others who are at fault. The dollar limits of your liability should commensurate with your income and the size of your asset portfolio. A good rule of thumb is to purchase as much liability insurance as you can comfortably afford. Don't skimp here.

Whether you own private or commercial property make sure to take extra precautions during the winter season. It may not be enough to just shovel, put down salt to prevent the formation of ice and to create better traction for those who would traverse the area. So go out there and have fun, just make sure you exercise appropriate care and caution and carry the right insurance.



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ADDRESS CORRECTION REQUESTED

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