

County of Adams

TAX ASSESSMENT APPEAL PROCEDURES

I. Procedures

II. Model Notice of Appeal

Disclaimer

Court staff is not able to give you legal advice or help you fill out/complete these forms. The information in this packet is not a substitute for professional legal advice. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. If you want to obtain the services of an attorney but do not know whom to contact, please call the Pennsylvania Lawyer Referral Service at 1-800-692-7375.

Last Updated: December 1, 2016

ADAMS COUNTY COURT OF COMMON PLEAS **TAX ASSESSMENT APPEAL PROCEDURES**

Time for Filing Appeal – Persons or entities who are appealing the decision of the Board of Assessment Appeals must file an appeal and pay the required filing fee (please visit <http://www.adamscounty.us/Dept/Prothonotary/Pages/default.aspx> to review the current Fee Schedule to determine the current fee) in the Office of the Prothonotary of Adams County within 30 days of the date of the decision of the Board. If the 30th day falls on a day when the Courthouse is closed, the appeal may be filed before the close of the next day the Prothonotary Office is open for business. Absent a showing of extraordinary circumstances involving fraud, duress, or coercion, the Court may not grant an extension of time for the filing of the appeal. If the appeal is not filed in a timely manner the Court loses jurisdiction to hear the appeal.

Form of Appeal – There is no statutory provision governing the form of the notice of appeal or the procedure and the Pennsylvania Rules of Civil Procedure are not applicable to tax assessment appeal. However, Adams County Local Rule of Judicial Administration 530 proscribes the procedure for filing the appeal¹. The notice of appeal must be in legible written or typed form set forth on paper not exceeding 8.5 x 11 inches and shall set forth the name(s) and address(es) of the titled owner(s) of the real estate and/or tax parcel number, the name of the municipality and school district in which the real estate is located, a copy of the decision of the Board of Assessment Appeals being appealed, and a brief averment stating the grounds for the appeal. A sample form for appeals filed by taxpayers is available on the Adams County website: www.adamscounty.us. Additionally, for each appeal filed, the filer must complete a civil cover sheet and must provide the Prothonotary with a self-addressed, stamped envelope.

Service – After the appeal is filed, the person or entity filing the appeal must serve a copy upon the Board by certified/registered mail or by personal service and file a proof of service within 10 days (a sample proof of service form is included in this packet).

Pre-trial Conference – After the appeal is filed the Court will direct the parties to appear for a pre-trial conference. The notice of the conference will set forth what information must be produced at the time of the conference. The conference will not be continued absent extraordinary circumstances. An owner or attorney with authority to settle the case must appear at the conference.

Trial – At the time of the pre-trial conference, or shortly thereafter, the Court will set a date for trial. The procedure at trial is established by appellate case law. If the issue is valuation of the real estate the role of the Court is to determine fair market value. The initial burden is upon the taxing authority to introduce the assessment record related to the parcel at issue and once done such presentation makes out a *prima facie* case for the validity of the assessment. The burden then shifts to the taxpayer to present sufficient competent, credible and relevant evidence of the property's fair market value. Such evidence is presented by a qualified expert. If the taxpayer fails to introduce such evidence then the taxing authority prevails. If the taxpayer meets its burden then the taxing authority has the right to present competent evidence in an attempt to rebut the taxpayer's evidence. The Court must then evaluate the evidence and decide the value of the parcel.

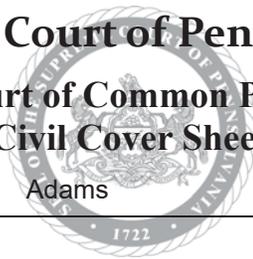
¹ A copy of the Adams County Rules of Judicial Administration is available for inspection at <http://www.adamscounty.us/Dept/CourtOfCommonPleas/Documents/ACRJA.pdf>.

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet

Adams

County



For Prothonotary Use Only:

Docket No:

TIME STAMP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- Complaint Writ of Summons Petition
 Transfer from Another Jurisdiction Declaration of Taking

Lead Plaintiff's Name:

Lead Defendant's Name:

Adams County Board of Assessment Appeals

Are money damages requested? Yes No

Dollar Amount Requested: within arbitration limits
(check one) outside arbitration limits

Is this a *Class Action Suit*? Yes No

Is this an *MDJ Appeal*? Yes No

Name of Plaintiff/Appellant's Attorney: _____

Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- Intentional
 Malicious Prosecution
 Motor Vehicle
 Nuisance
 Premises Liability
 Product Liability (does not include mass tort)
 Slander/Libel/ Defamation
 Other: _____

MASS TORT

- Asbestos
 Tobacco
 Toxic Tort - DES
 Toxic Tort - Implant
 Toxic Waste
 Other: _____

PROFESSIONAL LIABILITY

- Dental
 Legal
 Medical
 Other Professional: _____

CONTRACT (do not include Judgments)

- Buyer Plaintiff
 Debt Collection: Credit Card
 Debt Collection: Other

 Employment Dispute:
 Discrimination
 Employment Dispute: Other

 Other:

REAL PROPERTY

- Ejectment
 Eminent Domain/Condemnation
 Ground Rent
 Landlord/Tenant Dispute
 Mortgage Foreclosure: Residential
 Mortgage Foreclosure: Commercial
 Partition
 Quiet Title
 Other: _____

CIVIL APPEALS

- Administrative Agencies
 Board of Assessment
 Board of Elections
 Dept. of Transportation
 Statutory Appeal: Other

 Zoning Board
 Other:

MISCELLANEOUS

- Common Law/Statutory Arbitration
 Declaratory Judgment
 Mandamus
 Non-Domestic Relations
 Restraining Order
 Quo Warranto
 Replevin
 Other: _____

IN THE COURT OF COMMON PLEAS, ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW

In Re Appeal of: _____ -SU- _____
(Owner-Appellant) Tax Assessment Appeal

v.

ADAMS COUNTY BOARD OF ASSESSMENT APPEALS

NOTICE OF APPEAL

AND NOW, this ____ day of _____, 20 ____, _____
(name of appellants)
hereby file this Notice of Appeal, and avers as follows:

1. Appellant(s), _____ of
(names)

(mailing address for receipt of notice)

is/are the titled owners or equitable owners of real estate in the County of Adams
identified as Tax Parcel Number _____.

2. The names and addresses of the additional titled owner(s) of the real estate
is/are _____.

3. Appellant(s) is/are authorized to represent the interest of all titled owners of the
real estate.

4. Said real estate is situated in _____ Borough/Township and the
_____ School District.

5. This filing constitutes an appeal from the decision of the Adams County Board of
Assessment Appeals, dated _____, 20 ____, a copy of which is
attached hereto as Exhibit "A".

6. The decision of the Board of Appeals was erroneous because:
(Set forth each reason in a separate paragraph)
a. _____

b. _____

(Add additional paragraphs on separate sheets, as necessary, to include all legal bases for appeal)

7. Appellant(s) is/are aggrieved by the decision of the Adams County Board of Assessment Appeals, and seek a hearing *de novo*, as permitted by the Consolidated County Assessment Law. 53 Pa. C.S. §8854.

WHEREFORE, Appellant(s) request(s) that this Court allow this appeal and make such other orders and decrees as shall be just and proper.

*(Name and signature of Appellant(s),
Or Attorney for Appellant(s))*

VERIFICATION

_____ hereby verifies that the statements made in the
(Name of Appellant or Attorney)

attached Notice of Appeal are true and correct, and understands that false statements made herein are subject to the penalties of 18 Pa. C.S. §4905 relating to unsworn falsification to authorities.

Date: _____

*(Name and signature of Appellant(s)
or Attorney for Appellant(s))*

