

Donald J. Weiss, Esquire, PC

ATTORNEY AT LAW

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URGENT RESPONSE RELATIVE TO YOUR INTERIM REAL ESTATE TAX ASSESSMENT

Dear Taxpayer:

2018

You are receiving this letter, hopefully, because you have just recently received your notice of interim real estate tax increase.

If you purchased a recently constructed home, then your appeal is not very difficult, but it is imperative that you do it. The mere fact that your assessment notice is a number less than what you paid for the property does not mean you are under assessed. The assessment is supposed to be under what the value of the property is. As a matter of fact, in Delaware County it is supposed to be 61.1% of the value and in Chester County it is supposed to be 53% of the value. Therefore, it is almost certainly over what you paid for it. Therefore, you should definitely proceed with your appeal.

If you did just recently purchase a new construction property, I would handle your appeal on a flat fee or contingency fee basis. My flat fee would be \$350.00 per property. On a contingency fee basis, my fee would be 35% of the first year's savings that I achieve. If I get more than 3 properties in your development to file at the same time, I will reduce my flat fee to \$200.00 or my contingency fee to 25% of the first year's savings. I recommend flat fee. Please notice the date that you have to appeal by.

If you are receiving the interim notice because you have added an improvement to your property, then your appeal is much more difficult and my flat fee would be \$500.00 and you would pay the appraiser. You will, in my opinion, never achieve a proper reduction if you do not get a proper appraisal. I have handled numerous interim assessments on properties who have improved their property by adding an addition, finishing a basement, adding a pool or the like, but I have never achieved a proper adjustment without using my appraiser. Therefore, if you do not want to have an appraisal, I would not be interested in handling your appeal because I feel confident that you will not get the best result. I do not care what appraiser you use, as long as they do the appraisal as I tell them. It must be done properly and it is not a typical standard appraisal for the entire property. If they think that, then they are wrong.

In any event, if you are going to appeal, you must return the letter that you just received indicating that you plan to appeal, and then the County will send you a form that they require to be filed in order to perfect the appeal. Filing the first letter is not adequate. Therefore, you must do it in advance of the 40 days required. The letter in Delaware County is normally sent on the first of the month and, therefore, you would normally have until the 9th day of the following month in order to get everything filed properly. However, it must be filed in a 2-step process. Then there will be a hearing about 30 days later and you must be prepared to properly handle that hearing.

I attend all hearings because I know enough to know that anything can happen between my office, the Post Office and the Tax Assessment Board's office. I do not leave anything to chance or any mistake with the Post Office. I can only hope that you receive this letter in time!

If you want me involved, please call me immediately so we can work out the details.

Respectfully submitted,
Donald J. Weiss

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INTERIM TAX APPEAL - NEW CONSTRUCTION PURCHASE FEE AGREEMENT

WE AGREE AS FOLLOWS

2018

PARTIES: Property Owner/Client – hereinafter “Owner”
Donald J. Weiss, Esquire, PC and Donald J. Weiss, Esq. – hereinafter collectively “Weiss”

1. In consideration of the services rendered by Weiss, Owner agrees to pay a fee calculated as follows:

Weiss shall be paid a fee of either (check one):

Flat fee to handle the hearing to the Board: \$350.00 new home / \$500.00 renovation. No appeal to Court is included in this fee; or

35% of the first year’s tax savings. No appeal to Court is included in this fee.

In the event that more than 3 other properties in the community appeal at the same time, the flat fee above will be reduced to \$200.00, or if the contingency fee is elected, then the contingency fee will be reduced to 25%. Owner will pay all appraisers’ fees. Owner can select his own appraiser so long as the appraiser does the appraisal as instructed by Weiss. Otherwise, Owner will use the appraiser designated by Weiss, and negotiate and pay appraisers’ fee directly.

2. In the event Weiss decides WITH YOUR APPROVAL to file an appeal beyond the Board of Assessment Appeals’ level and go to the Court of Common Pleas, Owner agrees to pay to Weiss all county filing fees & costs necessary to pursue Owner’s appeal to the Board or Court. The fee is: Chester County = \$260; Delaware County = \$340. Owner agrees to pay any additional filing fees charged by the County.

3. Owner hereby engages Weiss’s services and authorizes, empowers and appoints Weiss or its designated agent to execute on Owner’s behalf as Owner’s lawful attorney-in-fact, any and all documents necessary to institute and continue the process for appealing Owner’s property tax for this and subsequent years. Weiss is hereby authorized to institute a class action if, in its opinion, it is in the Owner’s best interest whereby Owner is a member or head of the class. Weiss shall be authorized to represent Owner in all aspects of the tax assessment appeal process and negotiate settlement of appeal on Owner’s behalf, including withdrawal of the appeal if Weiss decides it is in Owner’s best interest. Further, Weiss shall act as Owner’s legal representative to handle the property tax appeal for the Owner’s property(ies) listed below. Owner authorizes Weiss to negotiate, collect and endorse any applicable refunds provided that any sum received shall be deposited solely in Weiss’ Escrow Trust Account for disbursement to Weiss for its fees earned, with the balance to be disbursed to Owner. A copy of the authorization shall be sufficient authority to any taxing district. IN WITNESS WHEREOF, all parties hereto agree to be mutually bound hereby and have executed this Agreement as indicated below. Owner agrees that if Owner fails to pay Weiss’ fee, Weiss can enter judgment by confession against Owner for the full fee plus attorney collection fees, costs and interest at 18% per year.

4. Owner authorizes Weiss to pursue the filing of the annual tax appeal in the event that Weiss determines that a further reduction can be achieved and the fee will be the same so long as the reduction is more than the flat fee, in which event the fee will be no more than the savings.

Property Owner (Signature)* _____ Date _____ Co-Property Owner _____ (Signature) _____

* By emailing this application form and fee agreement, I hereby agree that this email shall act as my signature to the fee agreement and I authorize Donald J. Weiss, to execute the application of my behalf and give him authority to execute the fee agreement and power of attorney as if I had signed that document.

Property Owner (Print Name) _____ Date _____ Co-Property Owner _____ (Print Name) _____

Subject Properties: _____

FOLIO #: _____

Mailing Address: _____

DONALD J. WEISS, ESQUIRE

Donald J. Weiss, Esquire

Phone #: _____

Fax #: _____ Email: _____

** If interim appeal, please attach your interim assessment notice. **

If submitting by email, print your form to Microsoft XPS Document Writer or Adobe, save and then attach to your email to DonaldJWeissEsq@aol.com.