

# CHAPIN, BALLERANO & CHESLACK

ATTORNEYS AT LAW

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WEALTH PRESERVATION SOLUTIONS<sup>SM</sup>  
SINCE 1970

## - ALERT - PROPOSED REAL ESTATE TAX NOTICES FOR 2009

Be on the lookout for your 2009 proposed real estate tax notices. The notices from the County should be mailed out to you shortly (toward the end of August for Palm Beach County). The notice will include the market and taxable values which the County Property Appraiser has determined for your property for 2009. Given the downturn in the real estate market, it is anticipated that actual values may be less than the County's values. Please review the Notice carefully. You will only have a limited time to appeal the valuation. If you anticipate that you would like our assistance to appeal the valuation please advise us as soon as possible and do not wait until you receive the Notice from the County.

This year in particular, we are expecting a lot of appeal requests due to the continued downward trend of real estate values as well as newly enacted legislative changes which are intended to be pro-taxpayer.

The legislative changes which are effective July 1, 2009, are intended to lower the burden of proof on the part of the taxpayer. Under the old law, there was a presumption that the property appraiser's valuation was correct. That law placed the burden on the taxpayer to prove that the Property Appraiser's assessment was not supported by "any reasonable hypothesis." The new law has removed this standard and requires only that the taxpayer present convincing evidence that the government's value is too high, thereby resulting in a lower burden of proof being placed on the taxpayer.

As with any changes in the law, the true impact of the change will not be known until its implementation during this upcoming 2009 tax season.

Should you wish our assistance, please contact Michele D'Alessandro in our office via email at [mdalessandro@chapin-law.com](mailto:mdalessandro@chapin-law.com) or by phone at 561-272-1225 extension 223.

**TAX ADVICE DISCLOSURE:** Pursuant to Internal Revenue Circular 230, we are required to advise you that if there is any tax advice contained herein (including attachments or enclosures), it is not intended or written to be used, and cannot be used or relied upon by the addressee, or any other person or entity, for the purpose of: (i) avoiding penalties that may be imposed under the Internal Revenue Code, or (ii) promoting, marketing or recommending to any other party any tax-related matter addressed herein.