

# TAX COURT OF NEW JERSEY



ANNUAL REPORT OF THE PRESIDING  
JUDGE OF THE TAX COURT OF NEW JERSEY  
JULY 1, 2012 - JUNE 30, 2013

The Tax Court of New Jersey  
P.O. Box 972  
Trenton, N.J. 08625

Web page: [www.judiciary.state.nj.us/taxcourt](http://www.judiciary.state.nj.us/taxcourt)

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## I.

### INTRODUCTION & HIGHLIGHTS

During the 2012-2013 court year, 25,364 Complaints were docketed in the Tax Court of New Jersey. Approximately 330 additional Complaints were received by the Tax Court Clerk but not docketed as of the last day of the court year. Filings are expected to increase or remain steady during the 2013-2014 court year for a variety of reasons. First, the national economy continues to have a negative effect on real property values, which is the core issue in the vast majority of cases before the court. Although real estate values have stabilized in some sectors of the State, the long-term economic effects of the downturn in the real estate market continue to have an impact on Tax Court filings. In addition, a number of municipal-wide revaluations and reassessments, including in large municipalities, were implemented for tax year 2014. Revaluations and reassessments historically result in increased Tax Court filings from the relevant municipalities. On the positive side, the anticipated increase in Tax Court filings for tax year 2013 due to Super Storm Sandy, a major weather event in October 2012, was not as severe as anticipated. Although the storm had widespread negative effects on real property values in many areas of the State, municipal tax assessors and the county boards of taxation were proactive in adjusting tax assessments to reflect the storm's impact. As a result, appeals to the Tax Court based on diminution in real property values as a result of the storm were not as numerous as predicted.

During the 2012-2013 court year, the court disposed of 17,168 cases, the highest number in eighteen years and the second highest in the history of the Tax Court. The 2012-2013 court year disposition rate represents approximately 2,641 dispositions per judge for the court year. Our high disposition rate is due, in part, to a streamlined process for docketing Complaints, memorializing settlements and issuing judgments. Additionally,

judges and non-judicial staff, including the staff in the Tax Court Management Office, have made a concerted effort to close cases with increased efficiency and speed while maintaining the accuracy that is essential to an effective system of taxation. On the last day of the court year, 43,994 cases were pending in the Tax Court, the highest number in the history of the Tax Court.

The court had one judicial vacancy for half of the 2012-2013 court year. In addition, during the court year five Tax Court Judges were assigned to other parts of the judicial system. While awaiting the appointment of a new judge by the Executive and Legislative branches, the six judges assigned to the Tax Court at the end of the court year had caseloads averaging 7,300 cases each.

## II.

### THE COURT

The Tax Court was established on July 1, 1979 as a trial court with statewide jurisdiction to review State and local property tax assessments. Over the past thirty-four years, the court has disposed of over 310,000 cases. By publishing more than 1,200 of its opinions, the court has established a uniform and coherent framework for the resolution of tax disputes in New Jersey. The court's opinions, both published and unpublished, are available on the Judiciary's website for a period of two weeks, after which they are collected by Rutgers Law School for inclusion in its free online library. The development of a body of legal precedents in the area of taxation benefits the State and its taxpayers by facilitating the implementation of tax policy, as decided by our Legislature and Governor, and providing a reliable structure in which to resolve tax conflicts. In addition to deciding tax disputes, Tax Court judges hear Superior Court cases in which the court's expertise in taxation is desirable. The court has helped resolve complex issues relating to taxation and asset valuation in business, matrimonial, foreclosure, condemnation, and other cases.

There were no judicial vacancies on the Tax Court at the start of the 2012-2013 court year. On June 29, 2012, the final business day of the prior court year, Judge Mary Siobhan Brennan took the oath of office as a Judge of the Tax Court. As a result, all Tax Court Judge positions were filled as of the first day of the 2012-2013 court year. In addition to the six judges assigned to the Tax Court, two Tax Court judges were assigned to the Superior Court, Appellate Division during the entire court year, and three Tax Court judges were assigned to Superior Court trial divisions. In this way, the court contributed to the disposition of cases by the Judiciary overall. On January 1, 2013, Judge Gail L. Menyuk retired. As a result, for half of the court year, only six Tax Court Judges were assigned to the Tax Court.

As of the last day of the court year, the six judges assigned to the Tax Court were: Presiding Judge Patrick DeAlmeida, Judge Vito L. Bianco, Judge Mala Sundar<sup>1</sup>, Judge Joseph M. Andresini, Judge Christine M. Nugent and Judge Mary Siobhan Brennan. The judges maintained chambers and heard cases in Hackensack (Judge Andresini), Newark (Judge Nugent and Judge Brennan), Morristown (Judge Bianco), and Trenton (Presiding Judge DeAlmeida and Judge Sundar). Each judge is designated to hear local property tax cases from specific geographic areas. These cases are assigned according to the location of the property at issue. Cases concerning State taxes are individually assigned by the Presiding Judge.

Table 1 categorizes filings and dispositions for the 2012-2013 court year. The analysis represents Tax Court cases only and does not include Superior Court cases or miscellaneous tax applications handled by the judges of the Tax Court. An examination of the table shows that the vast majority of the court's cases, 99%, involve local property tax. The remaining 1% of cases concern assessments by the Director, Division of Taxation, of

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<sup>1</sup> During the court year, Judge Mala Narayanan changed her name to Judge Mala Sundar.

State taxes, such as gross income tax, corporation business tax, sales and use tax, transfer inheritance tax, as well as other taxes, homestead rebate cases, and challenges to equalization tables and school aid ratios. Although small in number, these cases tend to be complicated and often involve complex legal questions that require significant judicial resources.

TABLE 1  
TAX COURT OF NEW JERSEY  
CATEGORIES OF CASES FILED  
COURT YEAR 2012-2013

<b>A. Cases filed by general category</b>		
Local property tax cases	99%	25,056
State tax and Equalization Table cases	1%	308
Total	100%	25,364
<b>B. Local property tax cases filed during the court year</b>		
Regular cases	64%	16,068
Small claims cases	36%	8,988
Total	100%	25,056
<b>C. State tax and Equalization Table cases filed during the court year</b>		
State tax cases (other than Homestead Rebate & related cases)	75%	231
Homestead rebate & related cases	23%	70
Equalization Table cases	2%	7
Total	100%	308

More detailed Tax Court statistics for the 2012-2013 court year can be found in the Tables at the end of this report.

### III.

#### THE TAX COURT MANAGEMENT OFFICE

The Tax Court Management Office is the administrative arm of the Tax Court. Cheryl A. Ryan has been the Clerk/Administrator since her appointment on October 1, 2005. This office provides the support services necessary for the efficient functioning of the court.

Not only is the office responsible for case flow management, record keeping and case management functions necessary to move cases to disposition, but it also manages the resources needed to support the Tax Court judges and support staff in four locations. Specifically, the Tax Court Management Office accepts papers for filing, assigns local property tax cases, prepares calendars and judgments, responds to attorney and litigant inquiries and provides procedural guidance.

During the court year, the office was comprised of three case management teams that were responsible for docketing, screening, data processing, calendaring, records management and administrative services. At various stages in the litigation process, each team provides taxpayers, attorneys, and tax administrators with information about the filing of complaints, opinions of the court, judgments and other information regarding the review of state and local property tax assessments. The staff of the Tax Court Management Office also furnishes sample forms, court rules and pamphlets explaining Tax Court procedures.

The Tax Court continues to move forward in developing electronic filing and a case management system, which will include electronic file jackets, enhanced flexibility for calendar and case management and increased public access to Tax Court case information and documents. Our case types lend themselves well to electronic filing, given the data-intensive nature of most matters. A detailed analysis of the court's case management practices and case information system is underway to chart the course for a paperless Tax Court docket. The judges and staff have offered their suggestions for the case management system and are excited about the prospect of modernizing our management of cases.

In the meantime, the Tax Court Management Office has continued to improve its current case management system and case processing procedures by taking advantage of existing technology to manage cases and assist litigants. Enhancements include electronic transmission of documents and correspondence, streamlining procedures for processing

complaints and judgments and expediting processing fees. Additionally, in preparation for electronic filing, forms on the Tax Court website have been updated to incorporate requirements that will be necessary for its implementation.

Various reports and information are available on the Tax Court Website to provide timely and efficient service to litigants. For example, the Tax Court provides reports on the judgments entered each month and new cases docketed each day. Other information available on the court's website includes: published and unpublished Tax Court opinions, related Appellate Division opinions, notices regarding important changes to Tax Court policies, all state and local property Tax Court forms, the Rules of the Tax Court (Part VIII), a small claims handbook, the Tax Court's standard form interrogatories, as well as the Annual Reports of the Presiding Judge and the Biennial Reports of the Supreme Court Committee on the Tax Court. Links to access the State's twenty-one county boards of taxation are also available on-line.

#### IV.

#### CASELOAD

##### A.

#### FILINGS AND DISPOSITIONS

Table 2 (page a) summarizes the history of filings and dispositions of Tax Court cases since 1984. At the beginning of the 2012-2013 court year, the Tax Court had an inventory of 35,798 cases. Tax Court cases docketed during the court year totaled 25,234 and an additional 130 previously closed cases were reinstated. Thus, the aggregate total number of cases in inventory was 61,162. This figure does not include the approximately 330 additional complaints received but not docketed as of the last day of the court year. Dispositions for the court year totaled 17,168 cases, resulting in an inventory of 43,994



cases at the end of the court year.<sup>2</sup> Due to several years of increasing filings, the Tax Court judges were not able to clear the calendar. However, the court accomplished a great deal by resolving approximately 48% of the caseload pending at the beginning of the court year and by issuing opinions in several notable cases described in detail later in this report. The inventory of cases at the close of the court year constitutes approximately two and a half years of dispositions at the current rate of disposition. That is not consistent with our objective of closing standard track cases within eighteen months to two years after filing. As of the last day of the 2012-2013 court year, approximately 34.5% of the court's caseload is in "backlog" (cases over two years old). We find that this is an unacceptably high number, but one that can reasonably be expected given the increase in case filings for several years, judicial vacancies, and the assignment of Tax Court Judges to other courts.

B.

#### PRODUCTIVITY

Table 3 (page b) indicates the number of dispositions per Tax Court Judge per year for the past fifteen years. The column captioned "# of judges" needs some explanation. Over the history of the court, judges have been appointed, retired, and resigned at times other than the beginning or end of a court year. When the real estate market was robust (approximately 1986-1990), the number of court filings declined and some of the Tax Court judges were assigned almost full-time to hear Superior Court cases. For several years before his retirement, Judge Evers was ill and did not hear any cases. After their retirements, Judges Lasser and Lario were on recall and carried almost a full caseload. Thus, the final column, "Dispositions per Judge," is less than perfectly accurate.

In the first three years of this court's existence (when it was disposing of a large number of cases backlogged from the old Division of Tax Appeals) and the years ending

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<sup>2</sup> The figures do not include miscellaneous tax applications and Superior Court cases assigned to Tax Court Judges.

June 30, 1993 and June 30, 1995 (when the previous years' filings had reached all time highs), productivity per judge was very high. Dispositions per judge, beginning with court year 2005-2006, are greater than they have been in any of the past fifteen years. The increase in the total dispositions, as well as dispositions per judge, reflects the efforts of judges and staff to respond to the decline in the number of judges and the increase in filings.

It should be noted that dispositions per judge per year is not the sole measure of the quantity and quality of the court's work. The court has developed a significant body of law through published opinions reported in Volumes 1 to 27 of the New Jersey Tax Court Reports. The published opinions reflect a fraction of the written and oral opinions issued by Tax Court judges during the 2012-2013 court year. A description of the most significant Tax Court opinions, as well as significant published opinions of appellate courts, follows.

### C.

#### DECISIONS

##### 1. SUPREME COURT OF NEW JERSEY

During the 2012-2013 court year, eight petitions for certification and one motion for leave to appeal were filed with the Supreme Court of New Jersey in cases that originated in the Tax Court. As of the close of the court year, the Supreme Court denied certification in three of those cases, granted certification in one case, and denied the motion for leave to appeal in one case. The remaining petitions for certification were pending at the close of the court year. The Court rendered one opinion in a Tax Court matter:

##### A. Prime Accounting Dept v. Township of Carney's Point 212 N.J. 493 (2013)

A Tax Court complaint naming an entity that is not an aggrieved taxpayer within the meaning of N.J.S.A. 54:3-21 could be amended to name actual aggrieved taxpayer and will relate back to the original timely filing date where the cause of action was clearly identified as a tax appeal, the property was accurately described and the township and public were put on notice that the tax assessment on the property was under dispute.

## 2. SUPERIOR COURT, APPELLATE DIVISION

During the 2012-2013 court year, appeals from 36 Tax Court decisions were filed with the Superior Court, Appellate Division. Table 4 (page c) provides the number of Tax Court cases appealed to the Appellate Division over the past thirty-three years. Table 5 (page d) shows the disposition of Tax Court cases by the Appellate Division during the 2012-2013 court year. Appellate Division opinions concerning tax matters are published either in the New Jersey Superior Court Reports or the New Jersey Tax Court Reports. Significant published opinions issued by the Superior Court, Appellate Division during the 2012-2013 court year in cases that originated in the Tax Court included:

A. **Joseph J. Murphy v. Director, Division of Taxation**  
27 N.J. Tax 293 (App. Div. 2013)

Taxpayer who properly reported capital gains and dividends as income in year realized is not entitled to file an amended return seeking a refund of taxes paid on that income when, several years later, taxpayer made payment to settle forfeiture action brought by federal government to disgorge the capital gains and dividends as the proceeds of fraudulent activity.

B. **Estate of Kosakowski v. Director, Division of Taxation**  
427 N.J. Super. 147 (App. Div.), certif. granted, 212 N.J. 460 (2012), app. diss., \_\_\_ N.J. \_\_\_ (2013).

The doctrine of manifest injustice did not apply to estate of decedent, so as to preclude retroactive application of amendment to tax statute, which sought to avoid the loss of estate tax revenue by maintaining New Jersey estate tax at the level it was prior to change in federal law that increased estate tax deduction. Decedent did not rely on statute when drafting his will.

C. **United Parcel Service General Services v. Director, Division of Taxation**  
430 N.J. Super. 1 (App. Div.), certif. granted, 216 N.J. 5 (2013)

Imposition of late payment penalties not warranted where taxpayer had reasonable cause not to report imputed interest income from corporate parent, as tax consequences of parent's cash management system was issue of first impression and taxpayer acted in good faith in taking tax reporting position. In addition, amnesty penalty was inapplicable, as basis for assessment was not readily established during amnesty period.

**D. Estate of Warshaw v. Director, Division of Taxation**  
27 N.J. Tax. 287 (App. Div.), certif. denied, \_\_\_ N.J. \_\_\_ (2013)

Estate is not entitled to a refund of estate taxes paid on date-of-death value of individual retirement account where, subsequent to death, investigation revealed the investment advisor of account, Bernard Madoff, was conducting Ponzi scheme and account, while reported to be valuable at time of death, was actually worthless. Events subsequent to death are not considered when determining fair market value of decedent's estate at time of death.

**E. Township of Jefferson v. Director, Division of Taxation**  
427 N.J. Super. 347 (App. Div. 2012)

Use of equalization table promulgated by Director to be used by the Commissioner of Education for the apportionment of school aid, and use of county board of taxation's equalization table, which is used in apportioning the cost of county government, did not violate either Uniformity Clause of State Constitution or applicable statutes, even though there was a declining real estate market during relevant tax years.

**F. Phillipsburg Riverview Organization, Inc. v. Town of Phillipsburg**  
27 N.J. Tax 188 (App. Div.), certif. denied, 215 N.J. 486 (2013)

Community arts center of taxpayer, a non-profit corporation, was operated and maintained for purposes of making a profit, and thus, did not qualify for property tax exemption; monies derived from use of arts center were used not only for utilities and maintenance of building, but also as income for artists and teachers, and taxpayer failed to prove that various dancers, artists, and teachers did not use facility to earn a profit.

3. TAX COURT OPINIONS

Published Tax Court opinions are reported in New Jersey Tax Court Reports. As of the date of this report, there are 26 complete volumes of the New Jersey Tax Court Reports and a 27<sup>th</sup> volume which is partially complete.

(1) LOCAL PROPERTY TAX CASES

The following published opinions of the Tax Court concerning local property taxes were among the most significant of the 2012-2013 court year:

A. **R.J. Wellington v. Township of Hillsborough**  
27 N.J. Tax 37 (Tax 2012)

Honorably discharged Navy veteran, who suffered a 100% permanent disability as a result of exposure to enemy chemical agents in the course of military service in Operation Northern Watch/Southern Watch as technician in a military laboratory in California was disabled as a result of “service in the theater of operation and in direct support of that operation.” He was, therefore, eligible for an exemption from local taxation for his dwelling. Applicable statute did not place geographic limitation on eligibility requiring veteran to be physically present in theater of operation in the Middle East. He was, moreover, directly exposed to the dangers of the battlefield at his laboratory, given fact that chemical weapons removed from the battlefield were transported to him for analysis. Also, veteran’s ownership of his dwelling with his former wife did not negate exemption.

B. **Township of North Brunswick v. Gary Gochal**  
27 N.J. Tax 31 (Tax 2012)

County Board of Taxation was precluded from revising taxable value of taxpayer’s real property and lowering assessment, absent a showing by taxpayer that the ratio of the assessed value to the true value was outside the plus or minus 15% statutory corridor, that the ratio of assessed value to true value exceeds 100%, that the average ratio for the municipality exceeds the 100% county percentage level, or that there was a district-wide revaluation program placed in effect for the applicable tax year.

C. **Regent Care c/o Prudential v. City of Hackensack**  
27 N.J. Tax 138 (Tax 2013)

For purpose of determining value of real property under the income approach, consideration of entrepreneurial profit is justified in determining the market value of property, even for an owner-occupied and owner-constructed building, because the principle of uniformity requires such property to be treated in the same manner as investment or speculation property; it is necessary to impute a figure which reflects the time, effort and incidental expense of the owner in the development of the property.

D. **Borough of Paramus v. County of Bergen**  
27 N.J. Tax 215 (Tax 2013)

County’s leasing of county hospital to private for-profit manager did not require cancelation of hospital’s tax exempt status under statute providing exemption for county owned property put to public use. Genuine issues of material fact, as to the nature of services provided by sub-lessees and as to connection between those services and the general hospital population, precluded summary judgment on whether sub-lessees affected tax exemption.

E. **Elizabeth Center Apartments Urban Renewal v. City of Elizabeth**  
27 N.J. Tax 196 (Tax 2013), appeal pending

Non-deed restrictions that created and continue to maintain a cooperative corporation's apartment complex as a source of low to moderate income housing have resulted in a unique and limited market in which to determine the true value of the real property. As a result, the cooperative sales comparison approach based upon the sales of membership certificates within the cooperative property, rather than the income approach, is the proper method for determining true value.

F. **Girls Friendly Society of Pennsylvania v. City of Cape May**  
26 N.J. Tax 549 (Tax 2012)

Actual and predominate use of Christian retreat house operated by nonprofit organization was reasonably necessary for attaining organization's stated purpose of encouraging purity of life, dutifulness to parents, faithfulness to employers, and thrift among girls and women belonging to the organization. Organization's rental of rooms to restricted users did not substantially detract from actual use of the property in furtherance of organization's tax-exempt purposes. The organization thoroughly screened all occupants, rates charged did not indicate an effort to pursue profits, and sparse and simple accommodations showed organization was not trying to provide a vacation destination at lower-than-market rates.

(2) **STATE TAX CASES**

The following published opinions of the Tax Court concerning State taxes were among the most significant of the 2012-2013 court year:

A. **BIS LP, Inc. v. Director, Division of Taxation**  
27 N.J. Tax 58 (Tax 2012), appeal pending

Non-resident limited partner, not limited partnership, was taxpaying entity entitled to receive refund of corporation business tax where partner held 99% interest in partnership and where partnership had paid tax on behalf of partner. Under controlling regulation, where a corporation business tax payment is made on behalf of a non-resident partner, that partner is deemed to have paid the tax and is eligible to receive a refund even though technically the funds have been remitted to the State by a third party.

**B. Residuary Trust A u/w/o Kassner v. Director, Division of Taxation**

27 N.J. Tax 68 (Tax 2013), appeal pending

Resident testamentary trust created by will of a New Jersey domiciliary lacked sufficient contact with State for imposition of income tax on undistributed trust income, absent ownership of assets in the State where no State resident served as trustee, and the trust did not receive the advantage of significant legal benefits and opportunities in the State even though tax preparer erroneously filed a New Jersey tax return with an in-State address. Trust's ownership of stock in S corporations, which in turn owned assets in New Jersey, is insufficient contact with State to permit imposition of income tax on trust's undistributed assets.

**C. Comcast of South Jersey, Inc. v. Director, Division of Taxation**

27 N.J. Tax 79 (Tax 2013)

Cable television service provider's converters, also known as set-top boxes, which provider leased to subscribers, are exempt from sales and use tax as equipment used directly and primarily in the transmission of television information, even though provider identified the converters as signal security devices, and the converters were used for additional functions, including gate-keeping, processing pay-per-view billing, providing access to parental controls and channel guides, and polling use. The additional functions were dependent on the primary use of the equipment in transmission.

**D. NFF Construction, Inc. v. Director, Division of Taxation**

27 N.J. Tax 1 (Tax 2012)

Contractor's sales of materials for casino construction were not completed at contractor's place of business in urban enterprise zone and thus did not qualify for reduced rate of sales tax. While contractor had its business office in the zone, he did not regularly display the goods in the zone or regularly sell the goods at retail and goods were shipped to location outside the zone. Contractor was not entitled to rely on certificate of Director authorizing collection of tax at reduced rate where contractor did not comply with statute.

**E. Svetozar Beljakovic v. Director, Division of Taxation**

26 N.J. Tax 455 (Tax 2012)

Sole shareholder of S corporation is entitled to gross income tax credit for taxes paid to other jurisdictions where S corporation, which does not have a regular place of business outside of State, is required to allocate 100% of its corporate income to New Jersey, regardless of the fact that S corporation sourced most of its income to New York State and New York City, and the income allocated to taxpayer is subject to personal income tax in New York State, as well as in New Jersey at the shareholder level.

V.

SUPREME COURT COMMITTEE ON THE TAX COURT

The Supreme Court Committee on the Tax Court is comprised of members of the bench and tax bar, as well as representatives of taxpayers' groups, local, county, and state tax administrators, and others concerned with the administration of New Jersey tax laws. The committee fulfills a vital role in its advisory capacity by developing and recommending rule changes affecting the operation of the court. The committee meets quarterly and will next issue a report in January 2014.

Respectfully submitted,

A handwritten signature in cursive script that reads "Patrick DeAlmeida".

Patrick DeAlmeida, P.J.T.C.

Dated: November 21, 2013



TABLE 2

## THIRTY YEAR HISTORY OF TAX COURT FILINGS AND DISPOSITIONS

Year ended	Pending first day of period	Filings	Dispositions	Pending last day of period
6/30/84	**6,299	8,633	9,004	5,928
6/30/85	5,928	6,523	8,012	4,439
6/30/86	4,439	5,310	6,312	3,437
6/30/87	3,437	4,619	4,687	3,369
6/30/88	3,369	4,764	5,629	2,504
6/30/89	*2,532	6,570	4,627	4,475
6/30/90	4,475	7,901	5,262	7,114
6/30/91	7,114	11,371	6,026	12,459
6/30/92	*12,402	16,300	9,224	19,478
6/30/93	19,478	14,967	16,560	17,885
6/30/94	17,885	15,223	11,697	21,411
6/30/95	21,411	12,741	17,402	16,750
6/30/96	16,750	9,410	12,075	14,085
6/30/97	14,085	7,954	10,406	11,633
6/30/98	11,633	7,124	9,390	9,367
6/30/99	9,367	6,356	7,005	8,718
6/30/00	*9,069	5,386	6,702	7,753
6/30/01	7,753	4,815	4,515	8,053
6/30/02	8,053	5,952	5,932	8,073
6/30/03	8,073	6,639	5,444	9,268
6/30/04	9,268	8,105	5,973	11,400
6/30/05	11,400	7,332	6,719	*12,282
6/30/06	12,282	8,205	7,533	*13,120
6/30/07	13,120	10,759	8,283	*15,596
6/30/08	15,596	11,760	8,749	18,607
6/30/09	18,607	14,103	8,808	23,902
6/30/10	23,902	18,426	10,938	31,390
6/30/11	31,390	19,776	15,467	35,699
6/30/12	35,699	15,556	15,457	35,798
6/30/13	35,798	25,364	17,168	43,994

\* Adjusted to reflect year-end physical case inventory.

\*\* Beginning July 1, 1983, the Judiciary changed its court year to end June 30, instead of August 31.

TABLE 3

TAX COURT OF NEW JERSEY PRODUCTIVITY  
DISPOSITIONS PER JUDGE 1999-2013

Year ended	Pending first day of period	Filings	Dispositions	Pending last day of period	# of Judges (full time equivalents)	Dispositions per Judge
6/30/99	9,367	6,356	7,005	8,718	6	1,168
6/30/00	*9,069	5,386	6,702	7,753	6	1,117
6/30/01	7,753	4,815	4,515	8,053	4 - Axelrad appointed to Appellate Division 6/2000; Andrew retired 10/2000	1,129
6/30/02	8,053	5,952	5,932	8,073	5 - Bianco appointed 8/2001	1,186
6/30/03	8,073	6,639	5,444	9,268	6 - Menyuk appointed 8/2002	907
6/30/04	9,268	8,105	5,973	11,400	7 - Hayser transferred to Tax Court	853
6/30/05	11,400	7,332	6,719	*12,282	7 - Kahn retired 6/2005	960
6/30/06	12,282	8,205	7,533	*13,120	6	1,256
6/30/07	13,120	10,759	8,283	*15,596	6	1,381
6/30/08	15,596	11,760	8,749	18,607	6.5 - DeAlmeida appointed 1/2008	1,346
6/30/09	18,607	14,103	8,808	23,902	7 - Kuskin retired 6/2009	1,258
6/30/10	23,902	18,426	10,938	31,390	6 - Small, Pizzuto retired 10/2009; Sundar appointed 7/2009; Andresini appointed 10/2009	1,823
6/30/11	31,390	19,776	15,467	35,699	6 - Hayser retired 10/2010; Nugent appointed 10/2010	2,578
6/30/12	35,699	15,556	15,457	35,798	6 - Brennan appointed 6/2012	2,576
6/30/13	35,798	25,364	17,168	43,994	6.5 - Menyuk retired 1/2013	2,641

\* Adjusted to reflect year-end physical case inventory.

TABLE 4

## TAX COURT CASES APPEALED TO THE APPELLATE DIVISION 1980-2013

<b>Court Year</b>	<b>Number of Cases</b>
1980-1981	53
1981-1982	92
1982-1983	84
1983-1984	56
1984-1985	65
1985-1986	51
1986-1987	49
1987-1988	48
1988-1989	44
1989-1990	32
1990-1991	40
1991-1992	49
1992-1993	43
1993-1994	67
1994-1995	84
1995-1996	79
1996-1997	53
1997-1998	71
1998-1999	58
1999-2000	45
2000-2001	35
2001-2002	41
2002-2003	50
2003-2004	34
2004-2005	41
2005-2006	46
2006-2007	38
2007-2008	46
2008-2009	33
2009-2010	47
2010-2011	27
2011-2012	29
2012-2013	36

TABLE 5

ACTIONS TAKEN BY APPELLATE DIVISION ON TAX COURT CASES  
COURT YEAR 2012-2013

<b>Action</b>	<b>Number of Cases</b>
<b>Affirmed</b>	<b>19</b>
<b>Dismissed</b>	<b>20</b>
<b>Affirmed/Remand in part</b>	<b>1</b>
<b>Reversed &amp; Remanded</b>	<b>4</b>
<b>Reversed</b>	<b>1</b>
<b>Withdrawn</b>	<b>1</b>
<b>Motion for leave to appeal denied</b>	<b>1</b>
<b>Motion for leave to appeal granted</b>	<b>2</b>
<b>Total Dispositions</b>	<b>49</b>

TABLE 6

TAX COURT CASES PENDING, FILED AND DISPOSED  
COURT YEAR 2012-2013

	<b>Local Property Tax</b>	<b>State Tax</b>	<b>Equalization &amp; related cases</b>	<b>Totals</b>
<b>Cases pending as of first day of period</b>	<b>35,045</b>	<b>753</b>	<b>0</b>	<b>35,798</b>
<b>New cases filed during period</b>	<b>24,931</b>	<b>296</b>	<b>7</b>	<b>25,234</b>
<b>Reinstated</b>	<b>125</b>	<b>5</b>	<b>0</b>	<b>130</b>
<b>Subtotal</b>	<b>60,101</b>	<b>1054</b>	<b>7</b>	<b>61,162</b>
<b>Cases disposed</b>	<b>16,803</b>	<b>358</b>	<b>7</b>	<b>17,168</b>
<b>Pending</b>	<b>43,298</b>	<b>696</b>	<b>0</b>	<b>43,994</b>

TABLE 7

CHARACTER OF COMPLAINTS FILED  
COURT YEAR 2012-2013

1.	<u>Local Property Tax</u>	<u>FILED</u>	<u>REINSTATED</u>
	Regular	15,970	98
	Small Claims (one to four family houses)	8,961	27
	<b>Total</b>	<b>24,931</b>	<b>125</b>
2.	<u>Cases Other than Local Property Tax</u>		
	<u>State Tax</u>		
	Regular	166	4
	Small Claims (mostly Homestead Rebates & related cases)	137	1
	<b>Total</b>	<b>303</b>	<b>5</b>
		<b>25,234</b>	<b>130</b>
	<u>Type of Tax</u>		
	Atlantic City Luxury Tax	2	
	Corporation Business	33	1
	Cigarette	15	
	Estate Tax	8	
	Gross Income	49	
	Homestead Rebate	30	
	Inheritance Tax	9	
	Litter Control Tax	1	
	Mansion Tax	5	
	Miscellaneous	1	
	Non-Residential Development Fee	1	
	Order to Implement Revaluation	1	
	Property Tax Reimbursement	39	1
	Realty Transfer Fee	1	1
	School Aid	7	
	Sales and Use	59	2
	Use Tax	1	
	Letter complaints	41	
	<b>Grand Total</b>	<b>303</b>	<b>5</b>

TABLE 8

LOCAL PROPERTY TAX COMPLAINTS FILED BY COUNTY  
2004-2013

	6/30/04	6/30/05	6/30/06	6/30/07	6/30/08	6/30/09	6/30/10	6/30/11	6/30/12	6/30/13
Atlantic	90	53	78	148	128	256	374	406	241	472
Bergen	1,222	1,475	1,553	2,080	2,369	2,761	3699	3935	3486	5621
Burlington	69	97	120	115	160	248	395	424	336	501
Camden	75	69	96	137	120	158	214	218	255	481
Cape May	32	48	56	116	176	110	123	104	102	117
Cumberland	6	16	18	22	32	52	52	51	43	127
Essex	*2,357	1,471	1,617	2,226	2,523	2,743	3109	3471	2985	4471
Gloucester	53	57	59	70	88	111	144	121	190	412
Hudson	457	412	439	424	522	773	1105	1214	735	1040
Hunterdon	53	34	54	71	48	68	91	97	70	139
Mercer	103	91	153	222	180	206	243	374	240	338
Middlesex	464	536	752	896	901	966	1248	1490	1058	1645
Monmouth	375	488	487	537	848	1,019	1747	1433	944	1736
Morris	563	560	583	574	581	797	1078	1228	766	1936
Ocean	131	180	268	718	555	722	1015	876	479	996
Passaic	486	446	480	757	989	1,456	1546	1522	1443	2404
Salem	15	13	10	24	28	34	41	69	41	72
Somerset	164	212	271	229	221	316	546	619	384	653
Sussex	44	31	39	74	111	78	352	329	231	288
Union	456	519	526	586	573	711	948	1163	1077	1402
Warren	49	44	55	41	48	50	77	130	99	205
<b>TOTALS*</b>	<b>7,264</b>	<b>6,852</b>	<b>7,714</b>	<b>10,067</b>	<b>11,201</b>	<b>13,635</b>	<b>18,147</b>	<b>19,274</b>	<b>15205</b>	<b>25056</b>

\* Large increase due to Newark revaluation