TAX COURT OF NEW JERSEY

JILL C. McNALLY
JUDGE

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NOT FOR PUBLICATION WITHOUT THE APPROVAL OF THE TAX COURT COMMITTEE ON OPINIONS

September 23, 2026
(Amended October 5, 2026, to correct a typographical error by deleting the word "certified" in the Conclusion portion of the Opinion)

BY eCOURTS

Ali Abdi and Effat Emamian
Plaintiffs, Self-Represented

Anthony J. Marchese, Esq.
CSG Law
Attorney for Defendant

Re: Ali Abdi and Effat Emamian v. Township of Millburn
Block 4605, Lot 1
Docket no. 008324-2026

Dear Mr. Abdi, Ms. Emamian, and Mr. Marchese:

This letter constitutes the court's opinion in connection with its Order to Show Cause why the above-referenced complaint, filed by plaintiffs on May 22, 2026, appealing the assessment imposed on the above-captioned property for tax year 2026 should not be dismissed as untimely under N.J.S.A. 54:3-21(a)(1). Plaintiffs argue that they did not receive the notice of assessment for the 2026 tax year and therefore should be permitted to file their complaint beyond the April 1 deadline. For the reasons stated below, the complaint is dismissed.

Procedural History and Findings of Facts

On February 12, 2026, plaintiffs, Ali Abdi and Effat Emamian, timely filed a complaint[1] appealing the judgment of the Essex County Board of Taxation as to the added assessment for the

[1] Docket Number 000485-2026.

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2025 tax year on their residential property located at 148 Great Hills Road, Short Hills, New Jersey, designated as Block 4605, Lot 1 (the "subject property"). Plaintiffs have owned the subject property since 2009.

On April 14, 2026, plaintiffs moved to amend their complaint to include the 2026 tax year, asserting that they had not received the notice of the assessment ("NOA") for that year. The court denied the motion, finding that each challenged tax year must be the subject of a separate complaint. Plaintiffs thereafter filed a separate complaint to this court challenging the 2026 assessment on May 22, 2026. On June 5, 2026, the court entered an Order to Show Cause ("OTSC") directing plaintiffs to demonstrate why they should be permitted to pursue that complaint notwithstanding the April 1, 2026, filing deadline. On July 17, 2026, a plenary hearing was held on the OTSC.

Testifying on behalf of both plaintiffs, Ms. Emamian stated that the subject property was under construction during 2024 and 2025. The Township of Millburn's ("Township") assessor testified that he inspected the subject property on February 27, 2025, and observed renovations in progress. An assistant assessor inspected the property on May 29, 2025.[2] A final inspection on the subject property was completed on July 17, 2025.

Ms. Emamian stated that, in September 2024, while construction was ongoing, plaintiffs moved from the subject property to another property they owned at 93 Highland Avenue in Short Hills. She further stated that the subject property did not have a mailbox during construction and that she arranged for mail forwarding service for a period of time, possibly six months, although

[2] At the hearing, the assessor testified that he completed both inspections. On August 8, 2026, by certification, he revised his testimony that it was the assistant assessor who conducted the second inspection of the subject property.

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she could not recall the exact duration.[3] Ms. Emamian testified that she personally went to the Township and advised the building inspector, an unidentified clerk, and a female employee in the assessor's office that plaintiffs' mailing address had changed to 93 Highland Avenue. Although she could not identify the person with whom she spoke to in the assessor's office, she testified that she verbally advised that person of the change of address.

The assessor testified that no female employees worked in his office during the relevant period. He further testified that a change of address requires completing a form and proof of ownership before the change can be processed. He stated that his office routinely receives such applications and that the Township's online records reflected no address change for plaintiffs. In further support of their claim that they had changed their address, plaintiffs submitted photocopies of the fronts of two envelopes from the tax collector's office addressed to them at 93 Highland Avenue. Plaintiffs did not, however, establish whether the contents of those envelopes related to the subject property or to the Highland Avenue property.

Ms. Emamian testified that plaintiffs had been expecting to receive the 2026 NOA postcard for the subject property. When asked by the court why they had not contacted the assessor's office after failing to receive it, Ms. Emamian stated that plaintiffs had been attempting to reach a resolution with the Township. A series of email exchanges between Ms. Emamian and the assessor concerning the 2025 and 2026 assessments on the subject property were provided to the court. In an email dated January 5, 2026, the Township's assessor advised plaintiffs that the 2026 assessment on the subject property would be $1,950,000. Plaintiffs responded the same day asking

[3] The court reviewed the United States Postal Service's ("USPS") website for information on mail forwarding and on that site the mail forwarding is typically for a 12-month period with the ability of applicants to add six or 12 more months. See, https://www.usps.com/manage/forward.htm (last accessed on September 23, 2026).

for the deadline to appeal to the Tax Court. The assessor directed plaintiffs to an earlier email exchange concerning plaintiffs' 2025 appeal of the subject property. The assessor stated that, in addition to the 2025 and 2026 tax appeals, plaintiffs had previously challenged the assessments on the subject property for 2010, 2012, 2017, and 2018 tax years.

The assessor testified that the annual assessment mailing process begins in late summer or early fall, when the Township retains BRT Technologies, LLC ("BRT") to process and mail the NOA postcards. According to the Township's assessor, the addresses provided to BRT are supplied by the assessor's office and are derived either from the deed recorded at the time of sale or from communications from taxpayers requesting a change of address. He testified that, on February 3, 2026, BRT emailed the Township advising that it could access an online database containing the postal statement, certification of mailing, audit trail, and a PDF copy of all the 2026 notices of assessment it mailed on behalf of the Township. A copy of plaintiffs' 2026 NOA was attached to the assessor's certification reflecting a total assessment of $1,950,000. The assessor stated that the NOA for the subject property was mailed to plaintiffs on January 20, 2026, and that it was not returned to his office as undeliverable.

Analysis

"[E]very assessor, prior to February 1, shall notify by mail each taxpayer of the current assessment and preceding year's taxes. Thereafter, the assessor or county board of taxation shall notify each taxpayer by mail within 30 days of any change to the assessment. This notification of change of assessment shall contain the prior assessment and the current assessment." N.J.S.A. 54:4-38.1 (also known as a Chapter 75 notice). A taxpayer appealing "the assessed valuation of the taxpayer's property" must file the appeal "on or before April 1, or 45 days from the date the

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bulk mailing of notification of assessment is completed in the taxing district, whichever is later." N.J.S.A. 54:3-21(a). These deadlines are strictly construed and only relaxed in rarest circumstances.

A taxpayer is presumed to have received a bulk mailed Chapter 75 notice if (1) the mailing "was correctly addressed" (2) "proper postage was affixed" (3) "the return address was correct" and (4) the mailing "was deposited in a proper mail receptacle or at the post office." Davis & Assocs., LLC v. Twp. of Stafford, 18 N.J. Tax 621, 627 (Tax 2000) (citing and quoting SSI Med. Servs. v. HHS, Div. of Med. Assistance & Health Servs., 146 N.J. 614 (1996)). The sender can provide "evidence of habit or routine practice" of its mailing, and corroboration that the practice "was followed in a particular instance" to prove the presumption of receipt. Davis, 18 N.J. Tax at 627. That presumption can be overcome by "evidence that the [mailing] was never in fact received." SSI Med. Servs., 146 N.J. at 625.

From the evidence presented, the court is satisfied that the Chapter 75 notices, as a bulk mailing, were deposited with the post office on January 20, 2026. The copy of the Chapter 75 card as to the subject property contains the correct mailing and return address and the correct addressee of the subject property. Cf. Centorino v. Twp. of Tewksbury, 18 N.J. Tax 303, 311-12 (Tax 1999) (NOA mailed to the correct address but addressed to the prior owner although assessor had notice of a change in ownership "does not create a presumption that the notice was received" even if the "improperly addressed card was not returned to the county board"). First class postage was also affixed to the card. As such, the court finds that the presumption of receipt attaches to the 2026 NOA.

The plaintiffs argue that the Township knew of their change of address but nevertheless mailed the notice to the subject property address. Other than Ms. Emamian's testimony, there is

no evidence to support that assertion. Ms. Emamian stated she personally went to the assessor's office and changed the plaintiffs' mailing address, but she acknowledged she did not complete an application as is required by the Township. Furthermore, she could not identify the female employee she spoke to. The court finds more credible, the assessor's testimony that his office did not have any female employees during this period of time. The envelopes provided by plaintiffs supporting their contention are marked with the tax collector's identification and not of the assessor, and without any further information, the court cannot determine whether the envelopes contain information specific to the subject property or the Highland Avenue property, or more importantly, as to the 2026 assessment. Based on the information presented, the assessor had no reason not to rely on the address reflected in its records which is in fact the subject property's address. See Brick Twp. v. Block 48-7, Lots 34, 35, 36, 202 N.J. Super. 246, 251 (App. Div. 1985) ("[p]roperty owners' addresses are supplied to tax assessors, who are not expected to ferret them out," and "[i]f an owner wants the address . . . changed, it is up to the owner to notify the assessor").

Furthermore, the plaintiffs had notice of the Township's assessment of the subject property even before the Chapter 75 assessment cards were mailed. The assessor's January 5, 2026, email notified the plaintiffs that the assessment on the subject property would be $1,950,000 and he also directed them to the appeal information previously given. The plaintiffs have offered no reason why they waited until after the April 1, 2026, deadline to file their complaint, especially considering the timely filing of their 2025 complaint on January 12, 2026.

Conclusion

In sum, the court finds that the Township sent the NOA to the correct address by ~~certified~~ mail via USPS and supports the presumption that the properly addressed mailing was received.

Plaintiffs failed to produce competent evidence that they did not receive the NOA, and therefore, plaintiffs' complaint for the 2026 tax year is dismissed with prejudice as untimely.

Very truly yours,

/s/ Jill C. McNally
Hon. Jill C. McNally, J.T.C.

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