

INDIANA BOARD OF TAX REVIEW
Small Claims
Final Determination
Findings and Conclusions

Petition #'s: 48-003-04-1-5-00275 48-003-04-1-5-00276
48-003-04-1-5-00277 48-003-04-1-5-00278
48-003-04-1-5-00279 48-003-04-1-5-00280
48-003-04-1-5-00281 48-003-04-1-5-00282
48-003-04-1-5-00283 48-003-04-1-5-00284
48-003-04-1-5-00285 48-003-04-1-5-00286
48-003-04-1-5-00287 48-003-04-1-5-00288
48-003-04-1-5-00289 48-003-04-1-5-00290
48-003-04-1-5-00291 48-003-04-1-5-00292
48-003-04-1-5-00293 48-003-04-1-5-00294
48-003-04-1-5-00295 48-003-04-1-5-00296
48-003-04-1-5-00297 48-003-04-1-5-00298
48-003-04-1-5-00299 48-003-04-1-5-00300
48-003-04-1-5-00301 48-003-04-1-5-00302
48-003-04-1-5-00303 48-003-04-1-5-00304
48-003-04-1-5-00305 48-003-04-1-5-00306
48-003-04-1-5-00999

Petitioners: Roger L. & Pamela K. Shoot

Respondent: Anderson Township Assessor (Madison County)

Parcel #'s: 181048131W 182889 18999701
188367 1822617Z 187264
1864912 183251 18761102
1857C76 1857D76 182791102
1828310 187619 189688
1885814 18288202 1857810C
18764 187154 182972
18318Z 18752701 18265151
1811099 1864712B 1865312
1864818 184376 182406
1833013 1857413 186523

Assessment Year: 2004

The Indiana Board of Tax Review (the Board) issues this determination in the above matter, and finds and concludes as follows:

Procedural History

1. The Petitioners initiated thirty-three assessment appeals with the Madison County Property Tax Assessment Board of Appeals (the PTABOA) by written document dated June 27, 2005.
2. The Petitioners received notices of the decisions of the PTABOA on August 5, 2005.
3. The Petitioners filed thirty-three appeals to the Board by filing Form 131s with the county assessor on September 2, 2005. The Petitioners elected to have these cases heard according to the Board's small claim procedures.
4. The Board issued notices of hearing to the parties dated April 3, 2007.
5. The Board held an administrative hearing on May 30, 2007, before the duly appointed Administrative Law Judge (the ALJ) Dalene McMillen.
6. The following persons were present and sworn in at hearing:
 - a. For Petitioner: Roger L. Shoot, Owner
 - b. For Respondent: Jack E. Norris, Madison County Deputy Assessor
Cheryl Heath, Madison County Assessor
Dennis L. Plackard, Anderson Township Deputy Assessor
Lorel Farris, Anderson Township Deputy Assessor
Patricia Davis, Anderson Township Assessor

Facts

7. The subject properties are classified as thirty-two single family residences and one duplex. The single family residences are located in Anderson Township, Anderson at 2430 Hendricks for Petition #48-003-04-1-5-00275 (Parcel #181048131W); 1229 West 5th Street for Petition #48-003-04-1-5-00276 (Parcel #182889); 415 West 4th Street for Petition #48-003-04-1-5-00277 (Parcel #18999701); 2415 Lincoln Street for Petition #48-003-04-1-5-00278 (Parcel #188367); 3520 Henry Street for Petition #48-003-04-1-5-00279 (Parcel #1822617Z); 2432 Delaware Street for Petition #48-003-04-1-5-00280 (Parcel #187264); 504 West 3rd Street for Petition #48-003-04-1-5-00281 (Parcel #1864912); 2425 Pearl Street for Petition #48-003-04-1-5-00282 (Parcel #183251); 224 West 6th Street for Petition #48-003-04-1-5-00283 (Parcel #18761102); 1909 West 27th Street for Petition #48-003-04-1-5-00284 (Parcel #1857C76); 2218 West 27th Street for Petition #48-003-04-1-5-00285 (Parcel #1857D76); 325 Madison Avenue for Petition #48-003-04-1-5-00286 (Parcel #182791102); 1436 West 5th Street for Petition #48-003-

04-1-5-00287 (Parcel #1828310); 225 West 6th Street for Petition #48-003-04-1-5-00288 (Parcel #187619); 2916 Central Avenue for Petition #48-003-04-1-5-00290 (Parcel #1885814); 507 Henry Street for Petition #48-003-04-1-5-00291 (Parcel #18288202); 1711 West 25th Street for Petition #48-003-04-1-5-00292 (Parcel #1857810C); 1647 West 7th Street for Petition #48-003-04-1-5-00293 (Parcel #18764); 1635 West 11th Street for Petition #48-003-04-1-5-00294 (Parcel #187154); 605 Hendricks Street for Petition #48-003-04-1-5-00295 (Parcel #182972); 525 West Vineyard for Petition #48-003-04-1-5-00296 (Parcel #18318Z); 902 Park Avenue for Petition #48-003-04-1-5-00297 (Parcel #18752701); 105 Madison for Petition #48-003-04-1-5-00298 (Parcel #18265151); 2412 Walnut Street for Petition #48-003-04-1-5-00299 (Parcel #1811099); 306 West 3rd Street for Petition #48-003-04-1-5-00300 (Parcel #1864712B); 516 West 2nd Street for Petition #48-003-04-1-5-00301 (Parcel #1865312); 335 West 3rd Street for Petition #48-003-04-1-5-00302 (Parcel #1864818); 424 West 21st Street for Petition #48-003-04-1-5-00303 (Parcel #184376); 136 West 17th Street for Petition #48-003-04-1-5-00304 (Parcel #182406); 1711 Pearl Street for Petition #48-003-04-1-5-00305 (Parcel #1833013); 1636 West 9th Street for Petition #48-003-04-1-5-00306 (Parcel #1857413); and 423 West 1st Street for Petition #48-003-04-1-5-00999 (Parcel #186523). The duplex is located at 2325 Fletcher for Petition #48-003-04-1-5-00289 (Parcel #189688).

8. The ALJ did not conduct an on-site inspection of the subject properties.
9. The PTABOA determined the assessed value of the subject properties to be as follows:

<u>Address:</u>	<u>Land Value:</u>	<u>Improvements Value:</u>	<u>Total Value:</u>
2430 Hendricks	\$700	\$23,000	\$23,700
1229 West 5 th Street	\$7,700	\$14,100	\$21,800
415 West 4 th Street	\$6,200	\$18,900	\$25,100
2415 Lincoln Street	\$6,000	\$19,100	\$25,100
3520 Henry Street	\$5,400	\$29,200	\$34,600
2432 Delaware Street	\$6,300	\$21,700	\$28,000
504 West 3 rd Street	\$5,600	\$19,000	\$24,600
2425 Pearl Street	\$3,400	\$21,700	\$25,100
224 West 6 th Street	\$5,200	\$19,700	\$24,900
1909 West 27 th Street	\$3,800	\$21,500	\$25,300
2218 West 27 th Street	\$3,300	\$12,600	\$15,900
325 Madison Avenue	\$1,600	\$26,000	\$27,600
1436 West 5 th Street	\$5,500	\$37,300	\$42,800
225 West 6 th Street	\$9,100	\$28,900	\$38,000
2325 Fletcher	\$8,400	\$16,800	\$25,200
2916 Central Avenue	\$5,500	\$9,900	\$15,400
507 Henry Street	\$5,000	\$13,500	\$18,500
1711 West 25 th Street	\$2,600	\$16,700	\$19,300
1647 West 7 th Street	\$5,400	\$16,000	\$21,400

1635 West 11 th Street	\$7,500	\$23,100	\$30,600
605 Hendricks Street	\$9,200	\$26,700	\$35,900
525 West Vineyard	\$10,400	\$17,200	\$27,600
902 Park Avenue	\$4,200	\$19,100	\$23,300
105 Madison	\$4,100	\$27,200	\$31,300
2412 Walnut Street	\$4,400	\$11,700	\$16,100
306 West 3 rd Street	\$4,700	\$34,300	\$39,000
516 West 2 nd Street	\$5,600	\$15,400	\$21,000
335 West 3 rd Street	\$5,800	\$10,800	\$16,600
424 West 21 st Street	\$4,800	\$19,900	\$24,700
136 West 17 th Street	\$7,000	\$12,100	\$19,100
1711 Pearl Street	\$3,400	\$19,100	\$22,500
1636 West 9 th Street	\$7,900	\$20,600	\$28,500
423 West 1 st Street	\$5,600	\$11,900	\$17,500

10. The Petitioners requested a total assessed value for each of the subject properties as follows:

<u>Address:</u>	<u>Land Value:</u>	<u>Improvements Value:</u>	<u>Total Value:</u>
2430 Hendricks	\$2,500	\$7,500	\$10,000
1229 West 5 th Street	\$2,500	\$1,500	\$4,000
415 West 4 th Street	\$2,500	\$12,500	\$15,000
2415 Lincoln Street	\$2,500	\$4,500	\$7,000
3520 Henry Street	\$2,500	\$13,500	\$16,000
2432 Delaware Street	\$2,500	\$3,500	\$6,000
504 West 3 rd Street	\$2,500	\$5,500	\$8,000
2425 Pearl Street	\$2,500	\$2,500	\$5,000
224 West 6 th Street	\$2,500	\$7,500	\$10,000
1909 West 27 th Street	\$2,500	\$2,500	\$5,000
2218 West 27 th Street	\$1,500	\$2,500	\$4,000
325 Madison Avenue	\$2,500	\$5,500	\$8,000
1436 West 5 th Street	\$2,500	\$17,500	\$20,000
225 West 6 th Street	\$2,500	\$7,500	\$10,000
2325 Fletcher	\$2,500	\$5,500	\$8,000
2916 Central Avenue	\$2,500	\$3,500	\$6,000
507 Henry Street	\$2,500	\$4,500	\$7,000
1711 West 25 th Street	\$2,600	\$10,400	\$13,000
1647 West 7 th Street	\$2,500	\$7,500	\$10,000
1635 West 11 th Street	\$2,500	\$12,500	\$15,000
605 Hendricks Street	\$4,000	\$9,000	\$13,000
525 West Vineyard	\$5,000	\$8,000	\$13,000
902 Park Avenue	\$2,500	\$7,500	\$10,000
105 Madison	\$2,500	\$4,500	\$7,000

2412 Walnut Street	\$2,500	\$1,500	\$4,000
306 West 3 rd Street	\$2,500	\$11,000	\$13,500
516 West 2 nd Street	\$2,500	\$5,500	\$8,000
335 West 3 rd Street	\$2,500	\$1,500	\$4,000
424 West 21 st Street	\$2,500	\$5,500	\$8,000
136 West 17 th Street	\$2,500	\$2,500	\$5,000
1711 Pearl Street	\$2,500	\$6,500	\$9,000
1636 West 9 th Street	\$2,500	\$5,500	\$8,000
423 West 1 st Street	\$2,500	\$1,500	\$4,000

Issues

11. Summary of Petitioners’ contentions in support of alleged error in assessment:

- a. The Petitioners argue that the subject properties’ lots were valued in excess of similar vacant lots. *Shoot testimony*. In support of this contention, the Petitioners submitted vacant lot sales, expired lot listings and current land sales from three neighborhoods where the subject properties are predominately located. *Petitioner Exhibits A – C; Id.* According to the Petitioners, these sales and listings show that properties sold or were listed between \$200 and \$9,000 in the years 2003 through 2007. *Id.* In addition, the Petitioners contend that at the PTABOA hearing they submitted two multiple listing sheets (MLS) showing vacant land sales in the area of the subject properties. *Petitioner Exhibit G; Id.* According to the Petitioners, four lots sold for \$5,000 and four other lots sold for \$5,100 for an average of approximately \$1,250 per lot. *Id.* Thus, the Petitioners contend, the subject properties’ land should be valued at \$2,500 for each lot with the exception of the lot at 2218 West 27th Street, which should be valued at \$1,500, the lot at 1711 West 25th Street, which should be valued at \$2,600, the lot at 605 Hendricks Street, which should be valued at \$4,000, and the lot at 525 Vineyard, which should be valued at \$5,000.

- b. The Petitioners further contend that the subject properties are over-valued based on the sale of comparable properties. *Shoot testimony*. In support of this contention, the Petitioners submitted bank sales of residential properties that have sold for \$15,000 or under in the last 30 months from the areas in which the subject properties are located. *Id.* According to the Petitioners, 17.4% of the 1,621 properties sold in the last 30 months were for \$15,000 or under. *Id.* More specifically, the Petitioners contend, 32% of the properties were located in the southeast area, 19.5% in the southwest area, and 18.6% in the northwest area. *Petitioner Exhibits D – F; Id.*

- c. The Petitioners contend that the property located at 2430 Hendricks is a vacant, 3 bedroom dwelling with no garage that should be valued at \$2,500 for the land and \$7,500 for the improvements, for a total assessed value of \$10,000. *Board Exhibit A, attachments; Shoot testimony*. In support of this contention, the

Petitioners submitted two exterior photographs of the subject property, a street map, and MLS sales for a 780 square foot, 3 bedroom dwelling with no garage located at 2418 Hendricks Street that sold on May 12, 2004, for \$10,500; a 1226 square foot, 3 bedroom dwelling with no garage located at 1923 Hendricks that sold on March 17, 2005, for \$8,500; and a 985 square foot, 2 bedroom dwelling with no garage located at 2433 Madison Street that sold on February 10, 2005, for \$8,300. *Id.* The Petitioners argue that, while the three comparables sold for an average price of \$9,100, the subject property is slightly better than the comparables and should, therefore, be valued at \$10,000. *Id.*

- d. The Petitioners contend that the property located at 1229 West 5th Street should be valued at \$2,500 for the land and \$1,500 for the improvements, for a total assessed value of \$4,000.¹ *Board Exhibit A, attachments; Shoot testimony.* In support of this contention, the Petitioners submitted two exterior photographs of the subject property, a street map and MLS sales for a 1004 square foot, 3 bedroom dwelling with no garage located at 1025 – 11th Street that sold on December 24, 2003, for \$9,200; a 1164 square foot, 2 bedroom dwelling with no garage located at 1214 Locust that sold on December 9, 2004, for \$5,000; and a 1876 square foot, 3 bedroom dwelling with no garage located at 1016 West 4th Street that sold on August 2, 2004, for \$4,500. *Id.* The Petitioners argued that, while the three comparables sold for an average price of \$6,000, the subject property is slightly worse than the comparables and should be valued at \$4,000. *Id.*
- e. The Petitioners contend that the property located at 415 West 4th Street is a vacant, 3 bedroom dwelling with a garage that should be valued at \$2,500 for the land and \$12,500 for the improvements, for a total assessed value of \$15,000. *Board Exhibit A, attachments; Shoot testimony.* In support of this contention, the Petitioners submitted three exterior photographs, a street map, and MLS sales for a 1248 square foot, 3 bedroom dwelling with a 2-car garage located at 203 West 4th Street that sold on February 24, 2005, for \$15,000; a 864 square foot, 3 bedroom dwelling with no garage located at 534 West 2nd Street that sold on February 17, 2005, for \$16,000; and a 1628 square foot, 3 bedroom dwelling with a 1-car garage located at 918 West 4th Street that was listed on March 16, 2004, for \$18,900. *Id.* The Petitioners argue that, while the three comparables sold or were listed for an average price of \$15,167, the subject property is slightly worse than the comparables and, therefore, should be valued at \$15,000. *Id.*
- f. The Petitioners contend that the property located at 2415 Lincoln Street is a vacant, 3 bedroom dwelling with a garage that should be valued at \$2,500 for the land and \$4,500 for the improvements, for a total assessed value of \$7,000. *Board Exhibit A, attachments; Shoot testimony.* In support of this contention, the

¹ According to the Petitioners, the property was not habitable in 2005 and, prior to the Board hearing, the City of Anderson tore it down. There is no dispute, however, that the structure existed at the time of the assessment.

Petitioners submitted two exterior photographs, a street map and MLS sales for a 1119 square foot, 3 bedroom dwelling with a 1-car garage located at 2408 Lincoln that sold on January 5, 2004, for \$8,000; a 800 square foot, 2 bedroom dwelling with no garage located at 2437 Chase Street that sold on September 9, 2004, for \$6,000; and a 1002 square foot, 2 bedroom dwelling with a 2-car garage located at 2319 Hendricks Street that sold on July 12, 2005, for \$8,000. *Id.* The Petitioners contend that, while the three comparables sold for an average price of \$7,800, the subject property is far worse than the comparables and should be valued at \$7,000. *Id.*

- g. The Petitioners contend that the property located at 3520 Henry Street is a vacant, 3 bedroom dwelling with no garage that should be valued at \$2,500 for the land and \$13,500 for the improvements, for a total assessed value of \$16,000. *Board Exhibit A, attachments; Shoot testimony.* In support of this contention, the Petitioners submitted three exterior photographs, a street map and MLS sales for a 1254 square foot, 2 bedroom dwelling with no garage located at 3913 East Lynn Street that sold on January 9, 2004, for \$10,000; a 690 square foot, 2 bedroom dwelling with a 1-car garage located at 2919 Rhus Street that sold on June 6, 2005, for \$16,000; and a 606 square foot, 2 bedroom dwelling with no garage located at 4012 Haverhill Drive that sold on May 17, 2005, for \$12,900. *Id.* The Petitioners argue that, while the three comparables sold for an average price of \$12,966, the subject property is better than the comparable. *Id.* Therefore, they argue, it should be valued at \$16,000. *Id.*
- h. The Petitioners contend that the property located at 2432 Delaware Street is a 2 bedroom dwelling with no garage that should be valued at \$2,500 for the land and \$3,500 for the improvements, for a total assessed value of \$6,000. *Board Exhibit A, attachments; Shoot testimony.* In support of this contention, the Petitioners submitted three exterior photographs, a street map and MLS sales for a 800 square foot, 2 bedroom dwelling with no garage located at 2437 Chase Street that sold on September 6, 2004, for \$6,000; a 848 square foot, 1 bedroom dwelling with a 2-car garage located at 2709 Central Avenue that sold on January 26, 2004, for \$9,101; and a 1244 square foot, 2 bedroom dwelling with no garage located at 2632 Main Street that sold on August 4, 2004, for \$8,500. *Id.* The Petitioners argue that, while the three comparables sold for an average price of \$7,867, the subject property is slightly worse than the comparables and should be valued at \$6,000. *Id.*
- i. The Petitioners contend the property located at 504 West 3rd Street is a 3 bedroom dwelling with no garage that should be valued at \$2,500 for the land and \$5,500 for the improvements, for a total assessed value of \$8,000. *Board Exhibit A, attachments; Shoot testimony.* In support of this contention, the Petitioners submitted two exterior photographs, a street map and MLS sales for a 950 square foot, 2 bedroom dwelling with no garage located at 603 Louise Street that sold on March 24, 2004, for \$6,000; a 784 square foot, 4 bedroom dwelling with no

garage located at 933 West 2nd Street that sold on April 6, 2004, for \$6,900; and a 1004 square foot, 3 bedroom dwelling with no garage located at 1025 – 11th Street that sold on January 22, 2004, for \$9,200. *Id.* The Petitioners argue that the subject property is almost equal to the three comparables that sold for an average price of \$7,400. *Id.* Thus, the Petitioners contend, the property should be valued at \$8,000. *Id.*

- j. The Petitioners contend the property located at 2425 Pearl Street is a vacant, 4 bedroom dwelling with no garage that should be valued at \$2,500 for the land and \$2,500 for the improvements, for a total assessed value of \$5,000. *Board Exhibit A, attachments; Shoot testimony.* In support of this contention, the Petitioners submitted two exterior photographs, a street map and MLS sales for a 996 square foot, 1 bedroom dwelling with no garage located at 2322 Pearl Street that sold on February 25, 2005, for \$4,300; a 1354 square foot, 4 bedroom dwelling with no garage located at 2320 Fletcher Street that sold on November 1, 2003, for \$8,000; and a 1600 square foot, 3 bedroom dwelling with no garage located at 2009 Columbus Avenue that sold on January 24, 2003, for \$4,000. *Id.* The Petitioners argue that, while the three comparables sold for an average price of \$5,917, the subject property is worse than the comparables and should be valued at \$5,000. *Id.* Further, the Petitioners argue, they have requested the land be valued at \$2,500 even though a neighboring lot is vacant and the owner has tried to give away the lot for years. *Id.*
- k. The Petitioners contend the property located at 224 West 6th Street is a vacant, 4 bedroom dwelling with no garage that should be valued at \$2,500 for the land and \$7,500 for the improvements, for a total assessed value of \$10,000. *Board Exhibit A, attachments; Shoot testimony.* According to the Petitioners, the exterior has been remodeled but the interior of the house is gutted. *Id.* In support of this contention, the Petitioners submitted two exterior photographs, a street map and MLS sales for a 1628 square foot, 3 bedroom dwelling with a 1-car garage located at 918 West 4th Street that sold on June 20, 2004, for \$14,500; a 1850 square foot, 3 bedroom dwelling with a 2-car garage located at 1617 West 7th Street that sold on October 20, 2004, for \$12,000; and a 1591 square foot, 3 bedroom dwelling with a 1-car garage located at 215 West 6th Street that sold on September 10, 2004, for \$14,000. *Id.* The Petitioners contend that, while the three comparables sold for an average of \$13,500, the subject property is inferior to the comparables and should be valued at \$10,000. *Id.*
- l. The Petitioners contend the property located at 1909 West 27th Street is a 3 bedroom dwelling with no garage that should be valued at \$2,500 for the land and \$2,500 for the improvements, for a total assessed value of \$5,000. *Board Exhibit A, attachments; Shoot testimony.* In support of this contention, the Petitioners submitted two exterior photographs and MLS sales for a 1098 square foot, 3 bedroom dwelling with a 1-car garage located at 2323 Walton Street that sold on June 4, 2004, for \$9,500; a 1140 square foot, 2 bedroom dwelling with no garage

located at 425 Pendleton Avenue that sold on March 8, 2004, for \$7,000; and a 816 square foot, 2 bedroom dwelling with no garage located at 2225 West 27th Street that sold on April 28, 2005, for \$3,000. *Id.* The Petitioners contend that, while the three comparables sold for an average price of \$6,500, the subject property is slightly inferior to the comparables and should be valued at \$5,000. *Id.* In addition, the Petitioners submitted an appraisal prepared by Wm. J. Lukens, an Indiana licensed residential appraisal. *Id.* The appraisal estimated the value of the subject property to be \$6,500 on October 14, 2004. *Id.*

- m. The Petitioners contend the property located at 2218 West 27th Street is a vacant, 2 bedroom dwelling with a garage that should be valued at \$1,500 for the land and \$2,500 for the improvements, for a total assessed value of \$4,000. *Board Exhibit A, attachments; Shoot testimony.* In support of this contention, the Petitioners submitted three exterior photographs and MLS sales for a 1140 square foot, 2 bedroom dwelling with no garage located at 425 Pendleton Avenue that sold on March 8, 2004, for \$7,000; a 816 square foot, 2 bedroom dwelling with no garage located at 2225 West 27th Street that sold on April 28, 2005, for \$3,000; and a 806 square foot, 2 bedroom dwelling with no garage located at 2213 Halford that sold on May 10, 2005, for \$3,000. *Id.* The Petitioners contend that, while the three comparables sold for an average price of \$4,333, the subject property is slightly inferior to the comparables and, therefore, it should be valued at \$4,000. *Id.*
- n. The Petitioners contend the property located at 325 Madison Avenue is a vacant, 3 bedroom dwelling with no garage that should be valued at \$2,500 for the land and \$5,500 for the improvements, for a total assessed value of \$8,000. *Board Exhibit A, attachments; Shoot testimony.* In support of this contention, the Petitioners submitted two exterior photographs, a street map, and MLS listings and sales for a 784 square foot, 3 bedroom dwelling with no garage located at 933 West 2nd Street that was listed on November 10, 2003, for \$9,900; a 1269 square foot, 4 bedroom dwelling with no garage located at 424 West 3rd Street that sold on November 17, 2003, for \$8,000; and a 1876 square foot, 3 bedroom dwelling with no garage located at 1016 West 4th that sold on August 3, 2004, for \$4,500. *Id.* The Petitioners argue that the three comparables listed and sold for an average price of \$5,830, but, because the subject property is better than the comparables, it should be valued at \$8,000. *Id.*
- o. The Petitioners contend that the property located at 1436 West 5th Street is a 3 bedroom dwelling with a 2-car detached garage that should be valued at \$2,500 for the land and \$17,500 for the improvements, for a total assessed value of \$20,000. *Board Exhibit A, attachments; Shoot testimony.* In support of this contention, the Petitioners submitted three exterior photographs, a street map and MLS sales for a 849 square foot, 2 bedroom dwelling with a 1-car garage located at 1531 West 10th Street that sold on April 12, 2004, for \$18,000; a 1850 square foot, 3 bedroom dwelling with a 2-car garage located at 1617 West 7th Street that sold on October 20, 2004, for \$12,000; and a 1107 square foot, 3 bedroom

dwelling with a 2-car garage located at 712 West 5th Street that sold on April 27, 2004, for \$19,000. *Id.* The Petitioners contend that, while the three comparables sold for an average price of \$16,333, the subject property is better than the comparables and should, therefore, be valued at \$20,000. *Id.*

- p. The Petitioners contend that the property located at 225 West 6th Street is a 4 bedroom dwelling with a garage that should be valued at \$2,500 for the land and \$7,500 for the improvements, for a total assessed value of \$10,000. *Board Exhibit A, attachments; Shoot testimony.* In support of this contention, the Petitioners submitted three exterior photographs, a street map and MLS sales and listings for a 1876 square foot, 3 bedroom dwelling with no garage located at 1016 West 4th Street that sold on August 3, 2004, for \$4,500; a 784 square foot, 4 bedroom dwelling with no garage located at 933 West 2nd Street that was listed on November 10, 2003, for \$9,900; and a 824 square foot, 4 bedroom dwelling with a 1-car garage located at 1022 West 1st Street that sold on March 5, 2004, for \$9,600. *Id.* The Petitioners contend that, while the three comparables have average sales and listing prices of \$7,030, the subject property is better than the comparables and should be valued at \$10,000. *Id.*
- q. The Petitioners contend the property located at 2325 Fletcher is a 4 bedroom dwelling with a garage that should be valued at \$2,500 for the land and \$5,500 for the improvements, for a total assessed value of \$8,000. *Board Exhibit A, attachments; Shoot testimony.* In support of this contention, the Petitioners submitted five exterior photographs, a street map and MLS sales for a 1660 square foot, 3 bedroom dwelling with a 1-car garage located at 1907 Fletcher Street that sold on January 5, 2004, for \$13,250; a 1119 square foot, 3 bedroom dwelling with a 1-car garage located at 2408 Lincoln that sold on January 5, 2004, for \$8,000; and a 2139 square foot, 4 bedroom dwelling with a 2-car garage located at 2645 Main Street that sold on July 21, 2003, for \$12,000. *Id.* Although the three comparables have an average price of \$11,100, the Petitioners argue that photographs of the property show that the condition of the subject property is inferior to the comparables. *Id.* Thus, the Petitioners contend, the property should be valued at \$8,000. *Id.*
- r. The Petitioners contend the property located at 2916 Central Avenue is a 2 bedroom dwelling with no garage that should be valued at \$2,500 for the land and \$3,500 for the improvements, for a total assessed value of \$6,000. *Board Exhibit A, attachments; Shoot testimony.* In support of this contention, the Petitioners submitted two exterior photographs, a street map and MLS sales for a 1244 square foot, 2 bedroom dwelling with no garage located at 2632 Main Street that sold on August 4, 2004, for \$8,500; a 880 square foot, 2 bedroom dwelling with a 2-car garage located at 3001 Fletcher that sold on March 5, 2004, for \$8,500; and a 848 square foot, 1 bedroom dwelling with a 2-car garage located at 2709 Central Avenue that sold on January 26, 2004, for \$9,101. *Id.* The Petitioners argue that,

while the three comparables have an average sale price of \$8,966, the subject property is inferior to the comparables and should be valued at \$6,000. *Id.*

- s. The Petitioners contend that the property located at 507 Henry Street is a vacant, 4 bedroom dwelling used for storage that should be valued at \$2,500 for the land and \$4,500 for the improvements, for a total assessed value of \$7,000. *Board Exhibit A, attachments; Shoot testimony.* In support of this contention, the Petitioners submitted two exterior photographs and MLS sales and listings for a 824 square foot, 4 bedroom dwelling with a 1-car garage located at 1022 West 1st Street that sold on March 5, 2004, for \$9,600; a 784 square foot, 4 bedroom dwelling with no garage located at 933 West 2nd Street that was listed on November 10, 2003, for \$9,900; and a 1876 square foot, 3 bedroom dwelling with no garage located at 1016 West 4th that sold on August 3, 2004, for \$4,500. *Id.* The Petitioners claim that the three comparables properties have an average sale and listing price of \$7,030 and, because the subject property is almost equal to the comparables, the property should be valued at \$7,000. *Id.*
- t. The Petitioners contend that the property located at 1711 West 25th Street is a 3 bedroom dwelling with a garage that should be valued at \$2,600 for the land and \$10,400 for the improvements, for a total assessed value of \$13,000. *Board Exhibit A, attachments; Shoot testimony.* In support of this contention, the Petitioners submitted two exterior photographs and MLS sales for a 1404 square foot, 3 bedroom dwelling with a 2-car garage located at 2401 West 25th Street that sold on February 3, 2004, for \$11,200; a 891 square foot, 2 bedroom dwelling with a 1-car garage located at 2242 West 28th Street that sold on March 15, 2005, for \$15,000; and a 1098 square foot, 3 bedroom dwelling with a 1-car garage located at 2323 Walton Street that sold on June 4, 2004, for \$9,500. *Id.* The Petitioners contend that the three comparables have an average sale price of \$11,900 and, because the subject property is slightly better than the comparable properties, it should be valued at \$13,000. *Id.*
- u. The Petitioners contend that the property located at 1647 West 7th Street is a 3 bedroom dwelling with no garage that should be valued at \$2,500 for the land and \$7,500 for the improvements, for a total assessed value of \$10,000. *Board Exhibit A, attachments; Shoot testimony.* In support of this contention, the Petitioners submitted two exterior photographs, a street map and MLS sales for a 1850 square foot, 3 bedroom dwelling with a 2-car garage located at 1617 West 7th Street that sold on October 20, 2004, for \$12,000; a 1328 square foot, 2 bedroom dwelling with no garage located at 1402 West 10th Street that sold on November 17, 2003, for \$7,000; and a 904 square foot, 2 bedroom dwelling with a 1-car garage located at 1729 West 9th Street that sold on July 29, 2004, for \$10,000. *Id.* The Petitioners contend that the three comparables have an average sales price of \$9,666. *Id.* According to the Petitioners, the subject property is almost equal to the comparables and, therefore, should be valued at \$10,000. *Id.*

- v. The Petitioners contend that the property located at 1635 West 11th Street is a 2 bedroom dwelling with a garage located in a very difficult neighborhood that should be valued at \$2,500 for the land and \$12,500 for the improvements, for a total assessed value of \$15,000. *Board Exhibit A, attachments; Shoot testimony.* In support of this contention, the Petitioners submitted two exterior photographs and MLS sales for a 963 square foot, 2 bedroom dwelling with no garage located at 1635 West 14th Street that sold on February 17, 2005, for \$16,000; a 1302 square foot, 3 bedroom dwelling with no garage located at 1920 West 10th Street that sold on December 28, 2004, for \$12,500; and a 2617 square foot, 3 bedroom dwelling with no garage located at 921 Lincoln Street that sold on April 4, 2005, for \$12,250. *Id.* The Petitioners contend that the three comparables have an average sale price of \$13,600 and they value the subject property at \$15,000. *Id.*
- w. The Petitioners contend that the property located at 605 Hendricks Street is a 4 bedroom home with no garage in very poor condition located in a historical district that should be valued at \$4,000 for the land and \$9,000 for the improvements, for a total assessed value of \$13,000. *Board Exhibit A, attachments; Shoot testimony.* In support of this contention, the Petitioners submitted three exterior photographs, a street map and MLS sales for a 2617 square foot, 3 bedroom dwelling with no garage located at 921 Lincoln Street that sold on April 4, 2005, for \$12,250; a 2400 square foot, 6 bedroom dwelling with a 2-car garage located at 1301 West 4th Street that sold on February 3, 2005, for \$11,950; and a 3184 square foot, 7 bedroom dwelling with no garage located at 304 West 13th Street that sold on January 8, 2004, for \$14,000. *Id.* The Petitioners contend that the three comparables have an average sale price of \$12,733. *Id.* Because the subject property is equal to the comparables, the Petitioners argue, it should be valued at \$13,000. *Id.*
- x. The Petitioners contend that the property located at 525 West Vineyard is a vacant 2 bedroom dwelling with a garage that should be valued at \$5,000 for the land and \$8,000 for the improvements, for a total assessed value of \$13,000. *Board Exhibit A, attachments; Shoot testimony.* In support of this contention, the Petitioners submitted two exterior photographs and MLS sales for a 1188 square foot, 3 bedroom dwelling with no garage located at 2412 Silver Street that sold on April 22, 2005, for \$17,000; a 872 square foot, 2 bedroom dwelling with a 1-car garage located at 2015 Crystal Street that sold on May 17, 2005, for \$15,000; and a 1000 square foot, 2 bedroom dwelling with a 1-car garage located at 1015 Indiana Avenue that sold on December 10, 2004, for \$16,500. *Id.* The Petitioners contend that, while the three comparables have an average price of \$16,000, the subject property is slightly worse than the comparables and should be valued at \$13,000. *Id.*
- y. The Petitioners contend that the property located at 902 Park Avenue is a 3 bedroom dwelling with a garage that should be valued at \$2,500 for the land and \$7,500 for the improvements, for a total assessed value of \$10,000. *Board*

Exhibit A, attachments; Shoot testimony. In support of this contention, the Petitioners submitted three exterior photographs, a street map and MLS sales for a 1366 square foot, 4 bedroom dwelling with a 2-car garage located at 921 College Drive that sold on February 2, 2004, for \$15,000; a 974 square foot, 2 bedroom dwelling with no garage located at 1537 Johnson Avenue that sold on January 20, 2005, for \$7,800; and a 1791 square foot, 3 bedroom dwelling with a 2-car garage located at 1207 East 10th Street that sold on November 1, 2004, for \$20,000. *Id.* The Petitioners contend that the three comparables sold for an average price of \$12,600, but that the subject property is slightly inferior to the comparables. *Id.* Thus, the Petitioners argue, the property should be valued at \$10,000. *Id.* In addition, the Petitioners submitted an appraisal prepared by Wm. J. Lukens, an Indiana licensed residential appraisal. *Id.* According to the appraiser, the property's value on February 28, 2005, was \$8,500. *Id.*

- z. The Petitioners contend that the property located at 105 Madison is a 4 bedroom dwelling with no garage that should be value at \$2,500 for the land and \$4,500 for the improvements, for a total assessed value of \$7,000. *Board Exhibit A, attachments; Shoot testimony.* In support of this contention, the Petitioners submitted two exterior photographs, a street map and MLS sales for a 1876 square foot, 3 bedroom dwelling with no garage located at 1016 West 4th that sold on August 3, 2004, for \$4,500; a 784 square foot, 4 bedroom dwelling with no garage located at 933 West 2nd Street that sold on April 6, 2004, for \$6,990; and a 824 square foot, 4 bedroom dwelling with a 1-car garage located at 1022 West 1st Street that sold on March 5, 2004, for \$9,600. *Id.* The Petitioners contend that the subject property is equal to the three comparables which sold for an average price of \$7,030. *Id.* Thus, the Petitioners contend, the property should be valued at \$7,000. *Id.*
- aa. The Petitioners contend that the property located at 2412 Walnut Street is a 2 bedroom dwelling that is gutted with no garage that should be valued at \$2,500 for the land and \$1,500 for the improvements, for a total assessed value of \$4,000. *Board Exhibit A, attachments; Shoot testimony.* In support of this contention, the Petitioners submitted two exterior photographs, a street map and MLS sales for a 996 square foot, 1 bedroom dwelling with no garage located at 2322 Pearl Street that sold on February 25, 2005, for \$4,300; a 1600 square foot, 3 bedroom dwelling with no garage located at 2009 Columbus Avenue that sold on January 24, 2003, for \$4,000; and a 1354 square foot, 4 bedroom dwelling with no garage located at 2320 Fletcher Street that sold on November 1, 2003, for \$8,000. *Id.* The Petitioners argue that, while the three comparables sold for an average price of \$4,766, the subject property is slightly inferior to the comparables and should be valued at \$4,000. *Id.*
- bb. The Petitioners contend that the property located at 306 West 3rd Street is a small 2 bedroom dwelling with no garage that should be valued at \$2,500 for the land and \$11,000 for the improvements, for a total assessed value of \$13,500. *Board*

Exhibit A, attachments; Shoot testimony. In support of this contention, the Petitioners submitted three exterior photographs, a street map and MLS sales for a 832 square foot, 2 bedroom dwelling with a 2-car garage located at 410 West 6th Street that sold on February 20, 2004, for \$18,000; a 1056 square feet, 2 bedroom dwelling with no garage located at 1312 West 3rd Street that sold on January 25, 2005, for \$12,000; and a 950 square feet, 2 bedroom dwelling with no garage located at 327 West 4th Street that sold on March 22, 2004, for \$10,500. *Id.* The Petitioners contend that the subject property is equal to the comparables, which sold for an average price of \$13,500. *Id.* Thus, the Petitioners argue, the subject property should be valued at \$13,500. *Id.*

- cc. The Petitioners contend that the property located at 516 West 2nd Street is a 2 bedroom dwelling with no garage that should be valued at \$2,500 for the land and \$5,500 for the improvements, for a total assessed value of \$8,000. *Board Exhibit A, attachments; Shoot testimony.* In support of this contention, the Petitioners submitted four exterior photographs, a street map and MLS sales for a 864 square foot, 3 bedroom dwelling with no garage located at 534 West 2nd Street that sold on February 17, 2005, for \$16,000; a 784 square foot, 4 bedroom dwelling with no garage located at 933 West 2nd Street that sold on April 6, 2004, for \$6,990; and a 1269 square foot, 4 bedroom dwelling with no garage located at 424 West 3rd Street that sold on November 17, 2003, for \$8,000. *Id.* The Petitioners contend that, while the three comparables sold for an average price of \$9,670, the subject property is inferior to the comparable and, therefore, it should be valued at \$8,000. *Id.*
- dd. The Petitioners contend that the property located at 335 West 3rd Street is a vacant 2 bedroom dwelling with no garage that should be valued at \$2,500 for the land and \$1,500 for the improvements, for a total assessed value of \$4,000. *Board Exhibit A, attachments; Shoot testimony.*² In support of this contention, the Petitioners submitted two exterior photographs, a street map and MLS sales for a 1164 square foot, 2 bedroom dwelling with no garage located at 1214 Locust that sold on December 17, 2004, for \$5,000; a 950 square foot, 2 bedroom dwelling with no garage located at 603 Louise Street that sold on March 24, 2004, for \$6,000; and a 943 square foot, 2 bedroom dwelling with no garage located at 1030 Laurel that sold on August 3, 2004, for \$3,250. *Id.* The Petitioners contend that, while the three comparables sold for an average price of \$4,750, the subject property is inferior to the comparables and should be valued at \$4,000. *Id.*
- ee. The Petitioners contend that the property located at 424 West 21st Street is a vacant 3 bedroom dwelling with no garage that should be valued at \$2,500 for the land and \$5,500 for the improvements, for a total assessed value of \$8,000.

² Mr. Shoot testified that prior to the filing of the Form 131 petition on September 2, 2005, but after the filing of the Form 130 petition on June 27, 2005, the City of Anderson tore down the dwelling located at 335 West 3rd Street with the Petitioners' permission.

Board Exhibit A, attachments; Shoot testimony. In support of this contention, the Petitioners submitted two exterior photographs and MLS sales for a 1092 square foot, 2 bedroom dwelling with no garage located at 1716 Fairview Street that sold on March 28, 2005 for \$5,000; a 968 square foot, 2 bedroom dwelling with no garage located at 716 West 22nd Street that sold on October 7, 2004, for \$4,000; and a 1140 square foot, 2 bedroom dwelling with no garage located at 425 Pendleton Avenue that sold on March 8, 2004, for \$7,000. *Id.* The Petitioners argue that, while the three comparables sold for an average price of \$5,300, the subject property is in better condition than the comparables and should be valued at \$8,000. *Id.*

- ff. The Petitioners contend that the property located at 136 West 17th Street is a vacant 2 bedroom dwelling with a garage that should be valued at \$2,500 for the land and \$2,500 for the improvements, for a total assessed value of \$5,000.

Board Exhibit A, attachments; Shoot testimony. In support of this contention, the Petitioners submitted three exterior photographs and MLS sales for a 1140 square foot, 2 bedroom dwelling with no garage located at 425 Pendleton Avenue that sold on March 8, 2004, for \$7,000; a 1052 square foot, 2 bedroom dwelling with a 2-car garage located at 1531 Madison Avenue that sold on February 24, 2004, for \$8,000; and a 1577 square foot, 2 bedroom dwelling with no garage located at 112 West 16th Street that sold on July 30, 2004, for \$3,250. *Id.* The Petitioners argue that, while the three comparable sold for an average price of \$6,100, the subject property is inferior to the comparables and, therefore, should be valued at \$5,000. *Id.*

- gg. The Petitioners contend that the property located at 1711 Pearl Street is a 4 bedroom dwelling with a garage that should be valued at \$2,500 for the land and \$6,500 for the improvements, for a total assessed value of \$9,000. *Board Exhibit A, attachments; Shoot testimony.* In support of this contention, the Petitioners submitted three exterior photographs, a street map and MLS sales for a 1212 square foot, 3 bedroom dwelling with no garage located at 1622 Ohio Avenue that sold on December 10, 2004, for \$6,500; a 878 square foot, 2 bedroom dwelling with a 1-car garage located at 1820 Pearl Street that sold on January 12, 2005, for \$7,000; and a 1089 square foot, 2 bedroom dwelling with no garage located at 1512 Pearl Street that sold on January 27, 2004, for \$13,000. *Id.* The Petitioners contend that, while the three comparables sold for an average price of \$8,833, the subject property is slightly better than the comparables and, therefore, should be valued at \$9,000. *Id.*

- hh. The Petitioners contend that the property located at 1636 West 9th Street is a 2 bedroom dwelling with a garage in very poor condition that should be valued at \$2,500 for the land and \$5,500 for the improvements, for a total assessed value of \$8,000. *Board Exhibit A, attachments; Shoot testimony.* In support of this contention, the Petitioners submitted two exterior photographs, a street map and MLS sales for a 904 square foot, 2 bedroom dwelling with a 1-car garage located

at 1729 West 9th Street that sold on July 29, 2004, for \$10,000; a 752 square foot, 2 bedroom dwelling with a 1-car garage located at 2109 West 9th Street that sold on July 7, 2004, for \$15,000; and a 1328 square foot, 2 bedroom dwelling with no garage located at 1402 West 10th Street that sold on November 17, 2003, for \$7,000. *Id.* The Petitioners contend that, while the three comparables sold for an average price of \$10,667, the subject property is inferior to the comparables and, therefore, it should be valued at \$8,000. *Id.*

- ii. The Petitioners contend that the property located at 423 West 1st Street is a 3 bedroom dwelling with no garage that is uninhabitable. *Board Exhibit A, attachments; Shoot testimony.* According to the Petitioners, the property should be valued at \$2,500 for the land and \$1,500 for the improvements, for a total assessed value of \$4,000. *Id.* In support of this contention, the Petitioners submitted two exterior photographs, a street map and MLS sales and listings for a 784 square foot, 4 bedroom dwelling with no garage located at 933 West 2nd Street that was listed on November 10, 2003, for \$9,900; a 1269 square foot, 4 bedroom dwelling with no garage located at 424 West 3rd Street that sold on November 17, 2003, for \$8,000; and a 1876 square foot, 3 bedroom dwelling with no garage located at 1016 West 4th that sold on August 3, 2004, for \$4,500. *Id.* The Petitioners contend that, while the three comparables sold for an average price of \$5,800, the subject property is inferior to the comparables and should be valued at \$4,000. *Id.* In addition, the Petitioners submitted an appraisal prepared by Wm. J. Lukens, an Indiana licensed residential appraisal. *Id.* The appraisal estimated the value of the subject property on October 8, 2004, at \$4,600. *Id.*
- jj. In its rebuttal argument, the Petitioners contend that, because their properties are in poor condition, bank sales are the closest comparables in the same type of condition. *Shoot testimony.* Further, the Petitioners argued that bank sales are arms' length transactions because most banks hire a real estate company to list their properties and realtors have access to properties nationwide. *Id.* Thus, according to the Petitioners, any person has the opportunity to purchase the property listed. *Id.* Finally, the Petitioners contend, that properties in the City of Anderson having a market value of under \$15,000 are part of a trend and not an isolated case. *Id.* According to the Petitioners, the Respondent's comparable sales in the \$20,000 to \$50,000 range are "not relevant" to the subject properties' valuation. *Id.*

12. Summary of Respondent's contentions in support of the assessment:

- a. The Respondent contends that, based on past sales disclosures and May 2006 sales from MIBOR listings in the area of the properties under appeal, the assessed values of the properties are correct. *Plackard testimony.* According to the Respondent, the subject properties' property record cards reflect that in 2002 and 2003 the PTABOA made various adjustments to approximately 24 of the

properties under appeal. *Respondent Exhibits 2 & 13 - 45; Id.* The Respondent argues that no further changes are warranted. *Id.*

- b. According to the Respondent, the properties located at 2916 Central Avenue, 2325 Fletcher, 2425 Pearl, and 2415 Walnut have assessed values that range from \$15,400 to \$25,200. *Respondent Exhibit 3; Plackard testimony.* The Respondent argues that sales from February 2000 to November 2006 range from \$22,000 to \$59,000 and MIBOR listings range from \$16,900 to \$39,900. *Id.* Thus, the Respondent concludes, the current assessed values of the properties are at or below the past sales in the area. *Id.*
- c. Similarly, the Respondent contends that the properties located at 136 West 17th, 1711 Pearl, and 424 West 21st have assessed values ranging from \$19,100 to \$24,700. *Respondent Exhibit 4; Plackard testimony.* According to the Respondent, sales from August 2000 to February 2006 range from \$25,000 to \$60,000. *Id.* Further, the MIBOR listings range from \$24,900 to \$49,500. *Id.*
- d. The Respondent contends that the properties located at 423 West 1st, 516 West 2nd, 306 West 3rd, 335 West 3rd, 504 West 3rd, 415 West 4th, 224 West 6th, and 225 West 6th have assessed values ranging from \$16,600 to \$39,000. *Respondent Exhibit 5; Plackard testimony.* According to the Respondent, the past sales range from \$25,000 to \$60,900 and the MIBOR listings range from \$25,900 to \$42,000. *Id.*
- e. The properties located at 1229 West 5th, 1436 West 5th, 507 Henry, 605 Hendricks, 105 Madison, and 325 Madison have assessed values ranging from \$21,800 to 42,800. *Respondent Exhibit 6; Plackard testimony.* According to the Respondent, sales from May 2000 to November 2006 range from \$39,000 to \$70,000 and the MIBOR listings range from \$29,900 to \$45,000. *Id.*
- f. The properties located at 1647 West 7th, 1636 West 9th, and 1635 West 11th have assessed values ranging from \$21,400 to \$30,600. *Respondent Exhibit 7; Plackard testimony.* According to the Respondent, past sales range from \$33,000 to \$49,900. *Id.* Further, the MIBOR listings range from \$21,900 to \$49,900. *Id.*
- g. The properties located at 1711 West 25th, 1909 West 27th, and 2218 West 27th are assessed from \$15,900 to \$25,300. *Respondent Exhibit 8; Plackard testimony.* The Respondent argues that sales from July 2002 to June 2005 range from \$18,942 to \$39,000 and the MIBOR listings range from \$14,900 to \$29,900. *Id.*
- h. For the properties located at 2432 Delaware, 2415 Lincoln and 2430, the Respondent argues that the assessed values range from \$23,700 to \$28,000. *Respondent Exhibit 9; Plackard testimony.* According to the Respondent, sales from February 2000 to November 2006 range from \$22,000 to \$58,000 and the MIBOR listings range from \$25,900 to \$47,000. *Id.*

- i. The Respondent contends that the property located at 3520 Henry has an assessed value of \$34,600. *Respondent Exhibit 10; Plackard testimony.* According to the Respondent, sales from June 1999 to June 2006 range from \$27,500 to \$69,900 and the MIBOR listings range from \$33,000 to \$49,900. *Id.* Similarly, for the property located at 525 West Vineyard the assessed value is \$27,600. *Respondent Exhibit 11; Id.* The Respondent argues that past sales in the area range from \$20,000 to \$66,000 and the MIBOR listings range from \$22,250 to \$49,900. *Id.*
- j. Further, the Respondent argues, the property located at 902 Park Avenue has an assessed value of \$23,300. *Respondent Exhibit 12; Plackard testimony.* According to the Respondent, sales from June 1999 to September 2006 range from \$22,900 to \$64,000 and the MIBOR listings range from \$28,500 to \$59,900. *Id.* Again, the Respondent argues, the Township has consistently assessed the subject properties at or below past sales in the areas. *Id.*
- k. Finally, the Respondent contends that little weight should be given to the Petitioners' evidence of purportedly "comparable" properties. *Plackard testimony.* According to the Respondent, approximately 89 of the 96 comparable sales submitted by the Petitioners were bank sales, personal representative sales, finance company sales, and sheriff sales. *Respondent Exhibit 1; Id.* Therefore, the Respondent argues, the comparable sales were not arms' length transactions, which the township considers to be a sale between two parties without any outside influences. *Plackard testimony.*

Record

13. The official record for this matter is made up of the following:
 - a. The Form 131 petitions and related attachments.
 - b. The digital recording of the hearing.
 - c. Exhibits:³

Petitioner Exhibit A – Eight vacant lots and land listings from MIBOR for 2003 – 2007, dated May 30, 2007,

Petitioner Exhibit B – Twenty-three expired vacant lots and land listings from MIBOR for 2003 – 2007, dated May 30, 2007,

³ Although labeled Board Exhibit A, the Petitioners specifically offered the attachments to the Form 131 petitions as evidence in their appeals to the Board.

- Petitioner Exhibit C – Three comparative market analyses on vacant lots and land from MIBOR for 2002 and 2007, dated May 30, 2007,
- Petitioner Exhibit D – Sixty-six residential and condominium listings for southeast Anderson from MIBOR for 2003 – 2007, dated May 30, 2007,
- Petitioner Exhibit E – Seventy-four residential and condominium listings for northwest Anderson from MIBOR for 2003 – 2007, dated May 30, 2007,
- Petitioner Exhibit F – One hundred forty-one residential and condominium listings for southwest Anderson from MIBOR for 2003 – 2007, dated May 30, 2007,
- Petitioner Exhibit G – Multiple listing sheets for 2917 Pearl Street, dated March 15, 2002, and 2300 Forkner Street, dated July 17, 2002,
- Petitioner Exhibit H – Multiple listing sheets for 1022 West 1st Street, dated March 5, 2004, 933 West 2nd Street, dated September 1, 2005, and 1016 West 4th, dated August 3, 2004,
-
- Respondent Exhibit 1 – Comment sheet on Petitioners’ comparable sales for each property under appeal,
- Respondent Exhibit 2 – Document identifying properties under appeal and adjustments made by PTABOA for 2002, 2003, and 2004, prepared by Anderson Township,
- Respondent Exhibit 3 – Street map showing appealed properties located at 2916 Central Avenue, 2325 Fletcher, 2425 Pearl, and 2415 Walnut, current assessed values, past sales and MIBOR listings from the area,
- Respondent Exhibit 4 – Street map showing appealed properties located at 136 West 17th, 1711 Pearl, and 424 West 21st, current assessed values, past sales and MIBOR listings from the area,
- Respondent Exhibit 5 – Street map showing appealed properties located at 423 West 1st, 516 West 2nd, 306 West 3rd, 335 West 3rd, 504 West 3rd, 415 West 4th, 224 West 6th, and 225 West 6th, current assessed values, past sales and MIBOR listings from the area,
- Respondent Exhibit 6 – Street map showing appealed properties located at 1229 West 5th, 1436 West 5th, 507 Henry, 605 Hendricks, 105 Madison Avenue, and 325 Madison Avenue, current assessed values, past sales and MIBOR listings from the area,
- Respondent Exhibit 7 – Street map showing appealed properties located at 1647 West 7th, 1636 West 9th, and 1635 West

- 11th, current assessed values, past sales and MIBOR listings from the area,
- Respondent Exhibit 8 – Street map showing appealed properties located at 1711 West 25th, 1909 West 27th, and 2218 West 27th, current assessed values, past sales and MIBOR listings from the area,
- Respondent Exhibit 9 – Street map showing appealed properties located at 2432 Delaware, 2415 Lincoln, and 2430 Hendricks, current assessed values, past sales and MIBOR listings from the area,
- Respondent Exhibit 10 – Street map showing appealed property located at 3520 Henry, current assessed value, past sales and MIBOR listings from the area,
- Respondent Exhibit 11 – Street map showing appealed property located at 525 West Vineyard, current assessed value, past sales and MIBOR listings from the area,
- Respondent Exhibit 12 – Street map showing appealed property located at 902 Park Avenue, current assessed value, past sales and MIBOR listings from the area,
- Respondent Exhibit 13 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 2430 Hendricks,
- Respondent Exhibit 14 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 415 West 4th Street,
- Respondent Exhibit 15 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 3520 Henry Street,
- Respondent Exhibit 16 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 2425 Pearl Street,
- Respondent Exhibit 17 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 2325 Fletcher Street,
- Respondent Exhibit 18 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 1635 West 11th Street,
- Respondent Exhibit 19 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 605 Hendricks Street,
- Respondent Exhibit 20 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 105 Madison Avenue,

- Respondent Exhibit 21 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 306 West 3rd Street,
- Respondent Exhibit 22 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 516 West 2nd Street,
- Respondent Exhibit 23 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 424 West 21st Street,
- Respondent Exhibit 24 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 136 West 17th Street,
- Respondent Exhibit 25 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 1711 Pearl Street,
- Respondent Exhibit 26 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 1436 West 5th Street,
- Respondent Exhibit 27 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 2916 Central Avenue,
- Respondent Exhibit 28 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 1229 West 5th Street,
- Respondent Exhibit 29 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 2415 Lincoln Street,
- Respondent Exhibit 30 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 225 West 6th Street,
- Respondent Exhibit 31 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 2218 West 27th Street,
- Respondent Exhibit 32 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 1711 West 25th Street,
- Respondent Exhibit 33 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 2412 Walnut Street,
- Respondent Exhibit 34 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 1636 West 9th Street,
- Respondent Exhibit 35 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 224 West 6th Street,

- Respondent Exhibit 36 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 504 West 3rd Street,
 - Respondent Exhibit 37 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 2432 Delaware Street,
 - Respondent Exhibit 38 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 1909 West 27th Street,
 - Respondent Exhibit 39 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 325 Madison Avenue,
 - Respondent Exhibit 40 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 507 Henry Street,
 - Respondent Exhibit 41 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 1647 West 7th Street,
 - Respondent Exhibit 42 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 902 Park Avenue,
 - Respondent Exhibit 43 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 525 West Vineyard Street,
 - Respondent Exhibit 44 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 335 West 3rd Street,
 - Respondent Exhibit 45 – Notice of Hearing on Petition, property record card, tax billing sheet and exemption breakdown sheet for 423 West 1st Street,
- Board Exhibit A – Form 131 petitions with attachments,
Board Exhibit B – Notices of Hearing,
Board Exhibit C – Hearing sign-in sheets.

d. These Findings and Conclusions.

Analysis

14. The most applicable governing cases are:
 - a. A Petitioner seeking review of a determination of an assessing official has the burden to establish a prima facie case proving that the current assessment is incorrect, and specifically what the correct assessment would be. *See Meridian Towers East & West v. Washington Township Assessor*, 805 N.E.2d 475, 478

(Ind. Tax Ct. 2003); *see also*, *Clark v. State Bd. of Tax Comm'rs*, 694 N.E.2d 1230 (Ind. Tax Ct. 1998).

- b. In making its case, the taxpayer must explain how each piece of evidence is relevant to the requested assessment. *See Indianapolis Racquet Club, Inc. v. Washington Township Assessor*, 802 N.E.2d 1018, 1022 (Ind. Tax Ct. 2004) (“[I]t is the taxpayer's duty to walk the Indiana Board . . . through every element of the analysis”).
 - c. Once the Petitioner establishes a prima facie case, the burden shifts to the assessing official to rebut the Petitioner's evidence. *See American United Life Ins. Co. v. Maley*, 803 N.E.2d 276 (Ind. Tax Ct. 2004). The assessing official must offer evidence that impeaches or rebuts the Petitioner's evidence. *Id.*; *Meridian Towers*, 805 N.E.2d at 479.
15. The Petitioners failed to provide sufficient evidence to establish a prima facie case for a reduction in values. The Board reached this decision for the following reasons:
- a. The Petitioners contend that the subject properties are over-assessed based on comparable sales.⁴ In support of this contention, the Petitioners submitted thirty-six vacant land listings from 2002 through 2007 offering to sell parcels at a price of \$200 to \$9,000 and two comparable sales of four lots each that sold for \$5,000 and \$5,100 on March 15, 2002, and July 17, 2002, respectively. *Petitioner Exhibit G; Shoot testimony*. The Petitioners further presented multiple listing sheets and sales of “comparable” properties for each of the subject properties. *Board Exhibit A; Petitioner Exhibit D – F & H; Shoot testimony*. The sales and listings occurred in 2003, 2004 and 2005 and ranged in value from \$3,000 to \$20,000. Finally, the Petitioners submitted appraisals for the properties located at 1909 West 27th Street, 902 Park Avenue, and 423 West 1st Street in support of

⁴ The Respondent contends that the township records indicate that the Petitioners appear to be the owner of only approximately 1/3 of the parcels at issue in this appeal. According to the Respondent, the remaining parcels do not show that the Petitioners were the owner of record at the time of appeal. *Plackard testimony*. Mr. Shoot testified that the Petitioners were purchasing the remaining properties on contract and that they elected not to record the contracts. *Shoot testimony*. An installment contract to purchase land vests equitable title in the purchaser even though legal title is left with the seller for the purpose of securing the debt. *Stark et al. v. Kreyling*, 188 N.E. 680, 682 (Ind. 1934). For purpose of taxation the owner of the land is the holder of equitable title. *Id.* at 683. The Petitioners testified that they are purchasing the properties on contract. Further, the Petitioners testified that they pay the property taxes on the properties. Thus, as the equitable owners and “the taxpayer responsible for the property taxes payable on the subject property,” the Petitioners are the proper parties in this matter. *See* 52 IAC 2-2-13. In addition the Respondent argues that township records indicate that homestead credits given to the previous owners were still on the tax records. *Id.* The Board notes that the property located at 2430 Hendricks Street is listed as owned by the Church of God and is identified as fully exempt. The properties located at 136 W. 17th Street, 225 W. 6th Street, 525 Vineyard, 423 W. 1st Street, and 325 Madison all have homestead exemptions in amounts ranging from \$8,850 to \$17,850. Similarly, the properties located at 507 Henry Street and 504 W. 3rd Street have both homestead and mortgage exemptions. The Petitioners testified under oath that they were the equitable owners of the properties. We, therefore, encourage the assessor to correct its records and remove the improper exemptions and deductions.

their argument that these three properties are over-assessed. The appraisals estimated the market value of 1909 West 27th Street to be \$6,500 as of October 14, 2004, the market value of 902 Park Avenue to be \$8,500 as of February 28, 2005, and the market value of 423 West 1st Street to be \$4,600 as of October 8, 2004. *Board Exhibit A.*

- b. The 2002 Real Property Assessment Manual (the Manual) defines the “true tax value” of real estate as “the market value-in-use of a property for its current use, as reflected by the utility received by the owner or similar user, for the property.” 2002 REAL PROPERTY ASSESSMENT MANUAL – VERSION A at 2 (incorporated by reference at 50 IAC 2.3-1-2). A taxpayer may use any generally accepted appraisal methods as evidence consistent with the Manual’s definition of true tax value, such as sales information regarding the subject property or comparable properties that are relevant to a property’s market value-in-use, to establish the actual true tax value of a property. *See* MANUAL at 5.
- c. Regardless of the approach used to prove the market value-in-use of a property, Indiana’s assessment regulations provide that for the 2002 general reassessment, a property’s assessment must reflect its value as of January 1, 1999. *Long*, at 471; MANUAL at 4, 8. This is also true for succeeding assessment years through 2005. *See* MANUAL at 2 (stating that the Manual contains the rules for assessing real property for the March 1, 2002, through March 1, 2005, assessment dates); *see also* Ind. Code § 6-1.1-4-4.5 (requiring the DLGF to adopt rules for annually adjusting assessments to account for changes to value in years since general reassessment, with such adjustments to begin in 2006). Consequently, a party relying on evidence concerning a property’s market value as of a date substantially removed from the relevant valuation date of January 1, 1999, must explain how that evidence demonstrates or is relevant to the property’s value as of January 1, 1999. *Id*
- d. Here, the Petitioners rely on a “sales comparison” method of establishing market value of the subject properties. In order to effectively use the sales comparison approach as evidence in property assessment appeals, however, the proponent must establish the comparability of the properties being examined. Conclusory statements that a property is “similar” or “comparable” to another property do not constitute probative evidence of the comparability of the two properties. *Long*, 821 N.E.2d at 470. Instead, the party seeking to rely on a sales comparison approach must explain the characteristics of the subject property and how those characteristics compare to those of purportedly comparable properties. *See Id.* at 470-71. They must explain how any differences between the properties affect their relative market value-in-use. This the Petitioners did not do. While the Petitioners identified the size of the “comparable” properties, the number of bedrooms in each dwelling and whether the property had a garage, this falls far short of the showing required to prove comparability. In addition, the Petitioners made no attempt to value any differences between the properties other than

statements such as “the subject property is inferior to the comparables.” Statements that are unsupported by probative evidence are conclusory and of no value to the Board in making its determination. *Whitley Products, Inc. v. State Bd. of Tax Comm’rs*, 704 N.E.2d 1113, 1118 (Ind. Tax Ct. 1998); and *Herb v. State Bd. of Tax Comm’rs*, 656 N.E.2d 890, 893 (Ind. Tax Ct. 1995).

- e. This same analysis applies to the Petitioners’ contentions that the land is over-valued. To the extent that it is possible to remove the land from the improvements to determine a value of a property, we find that the Petitioners failed to raise a prima facie case of error in their assessments. The Petitioners identified several vacant land sales in the area of the subject properties. *Petitioner Exhibits A – C & G*. The Petitioners, however, provided no evidence of lot shape, topography, geographical features, accessibility or uses as required to determine the lots presented by the Petitioners were comparable to the subject properties. *See Blackbird Farms Apartments, LP v. Department of Local Government Finance*, 765 N.E.2d 711, 715 (Ind. Tax Ct. 2002).
- f. Moreover, even if the Petitioners had sufficiently shown comparability between the subject properties and the properties they offered as comparables, the Board is not persuaded that the Petitioners’ sales are probative of the properties’ market value-in-use. First, the Petitioners provided no evidence relating the sales, which occurred in 2003, 2004, and 2005, to the January 1, 1999, valuation date. Second, the vast majority of the Petitioners’ sales are bank sales or similar transactions. “Fair market value’ is what a willing buyer, under no compulsion to buy, would pay a willing seller, under no compulsion to sell.” *Second National Bank of Richmond v. State*, 366 N.E.2d 694, 696 (Ind. Ct. App. 1977). Thus, a sale may not be probative of a property’s market value unless that sale happens in a competitive and open market under all conditions requisite to a fair sale, in which the buyer and seller are typically motivated. MANUAL at 10. A bank sale or sheriff sale purchase of property does not satisfy the conditions of a competitive and open market, and the buyer and seller being typically willing, motivated and under no compulsion to buy or sell. Thus, the purchase price of property obtained in a bank sale is not, by itself, probative evidence of market value of a property.
- g. Finally, the Petitioners presented appraisals for three properties. The appraisals determined the market value of 1909 West 27th Street to be \$6,500 as of October 14, 2004, the market value of 902 Park Avenue to be \$8,500 as of February 28, 2005, and the market value of 423 West 1st Street to be \$4,600 as of October 8, 2004. *Board Exhibit A*. The Petitioners, however, failed to show the relevance of the appraisals dated October 14, 2004, February 28, 2005, and October 8, 2004, to the January 1, 1999, valuation date. Because the Petitioners did not trend the

appraisals to the January 1, 1999, valuation date pursuant to the Indiana Tax Court decision in *Long*, the Petitioners failed to raise a prima facie case.⁵

- h. Where Petitioners have not supported the claim with probative evidence, Respondent's duty to support the assessment with substantial evidence is not triggered. *Lacey Diversified Indus. LTD v. Department of Local Government Finance*, 799 N.E.2d 1215, 1221-1222 (Ind. Tax Ct. 2003).

Conclusion

- 16. The Petitioners failed to provide sufficient evidence to establish a prima facie case on the issues presented to the Board. The Board finds in favor of the Respondent.

Final Determination

In accordance with the above findings and conclusions the Indiana Board of Tax Review now determines that the assessment should not be changed.

ISSUED: _____

Commissioner,
Indiana Board of Tax Review

⁵ The Petitioners alleged on the Form 131 petitions that the condition of the subject properties were at issue in this appeal. *Board Exhibit A*. The Petitioners, however, failed to raise this issue in hearing. At best, the Petitioners testified some of the properties were vacant or uninhabitable and submitted photographs of the subject properties. *Shoot testimony; Id.* Statements that are unsupported by probative evidence are conclusory and of no value to the Board in making its determination. *Whitley Products, Inc. v. State Board of Tax Commissioners*, 704 N.E.2d 1113 (Ind. Tax 1998); and *Herb v. State Board of Tax Commissioners*, 656 N.E.2d 1230 (Ind. Tax 1998). Further, it would require far more than exterior photographs of the subject properties for this Board to determine that the condition of the subject properties are incorrectly classified.

IMPORTANT NOTICE

- Appeal Rights -

You may petition for judicial review of this final determination under the provisions of Indiana Code § 6-1.1-15-5, as amended effective July 1, 2007, by P.L. 219-2007, and the Indiana Tax Court's rules. To initiate a proceeding for judicial review you must take the action required within forty-five (45) days of the date of this notice. The Indiana Tax Court Rules are available on the Internet at <<http://www.in.gov/judiciary/rules/tax/index.html>>. The Indiana Code is available on the Internet at <<http://www.in.gov/legislative/ic/code>>. P.L. 219-2007 (SEA 287) is available on the Internet at <http://www.in.gov/legislative/bills/2007/SE/SE0287.1.html>.