

REPRESENTATIVE FOR THE PETITIONER:

Mike Pittman, *pro se*

REPRESENTATIVE FOR THE RESPONDENT:

Karen Mannix, Jefferson County Assessor

**BEFORE THE  
INDIANA BOARD OF TAX REVIEW**

701 LLC (Mike Pittman),	)	Petition No.:	39-007-19-1-5-00221-20
	)		
Petitioner,	)	Parcel No.:	39-08-35-333-028.000-007
	)		
v.	)		
	)	County:	Jefferson
Jefferson County Assessor,	)	Township:	Madison
	)		
Respondent.	)	Assessment Year:	2019

Appeal from the Final Determination of the  
Jefferson County Property Tax Assessment Board of Appeals

**June 7 , 2021**

**FINAL DETERMINATION**

The Indiana Board of Tax Review (Board) having reviewed the facts and evidence, and having considered the issues, now finds and concludes the following:

**INTRODUCTION**

1. The Respondent had the burden to prove the January 1, 2019, assessment was correct. Did the Respondent meet that burden?

## PROCEDURAL HISTORY

2. The Petitioner initiated its 2019 assessment appeal with the Jefferson County Assessor on July 10, 2019. On January 16, 2020, the Jefferson County Property Tax Assessment Board of Appeals (PTABOA) issued its determination increasing the assessed value. The Petitioner timely filed a Petition for Review of Assessment (Form 131) with the Board.
3. On March 10, 2021, Dalene McMillen, the Board's Administrative Law Judge (ALJ), held the Board's administrative hearing telephonically. Neither the Board nor the ALJ inspected the property.

## HEARING FACTS AND OTHER MATTERS OF RECORD

4. Mike Pittman appeared *pro se* via telephone and was sworn. County Assessor Karen Mannix appeared via telephone for the Respondent and was sworn. Angela Smith was sworn as a witness via telephone for the Respondent.<sup>1</sup>
5. The Petitioner offered the following exhibits:

- Petitioner Exhibit 1: Petitioner's Executive Summary,
- Petitioner Exhibit 2: Petitioner's written testimony (page 1),
- Petitioner Exhibit 3: Petitioner's written testimony (page 2),
- Petitioner Exhibit 4: 701 Flood Plain Mitigation Options – Cost,
- Petitioner Exhibit 5: Indiana Department of Natural Resources (DNR) Floodplain Management in Indiana Quick Guide (Quick Guide) coversheet,
- Petitioner Exhibit 6: DNR Quick Guide – The Regulatory Floodway (page 14),
- Petitioner Exhibit 7: DNR Quick Guide – Activities in SFHAs that Require Local Permits and Approvals (page 24),
- Petitioner Exhibit 8: DNR Quick Guide – Avoid SFHAs When Possible (page 25),
- Petitioner Exhibit 9: DNR Quick Guide – Flood Insurance Rate Map (Riverine) (page 16),
- Petitioner Exhibit 10: DNR Quick Guide – “Violations can be expensive” (page 28),
- Petitioner Exhibit 11: DNR Quick Guide – Completing the Elevation Certificate (page 35),

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<sup>1</sup> Linda Pittman and Sarah Stillwell were also on the call and sworn but did not testify.

- Petitioner Exhibit 12: DNR Quick Guide – How to Elevate Buildings in Flood Zone A/AE (page 37),
- Petitioner Exhibit 13: DNR Quick Guide – Basements in Flood Zones are Unsafe (page 39),
- Petitioner Exhibit 14: DNR Quick Guide – Crawlspace Details (Zone A/AE) (page 41),
- Petitioner Exhibit 15: DNR Quick Guide – Utility Service and Equipment Inside Enclosures (page 42),
- Petitioner Exhibit 16: DNR Quick Guide – Substantial Improvement: Renovation Only (page 55),
- Petitioner Exhibit 17: DNR Quick Guide – Elevating an Existing Building (page 60),
- Petitioner Exhibit 18: DNR Quick Guide – Paying for Post-Flood Compliance (page 61),
- Petitioner Exhibit 19: DNR Quick Guide – Non-Substantial Improvements (page 62),
- Petitioner Exhibit 20: DNR Quick Guide – Small Berms or Floodwalls May Protect Older Buildings (page 64),
- Petitioner Exhibit 21: “Flood risks are increasing as weather patterns change” from First Street Foundation (Flood Factor Web Site),
- Petitioner Exhibit 22: Auto-Owners Insurance Company quote for the subject property,
- Petitioner Exhibit 23: Auto-Owners Insurance Company quote for the subject property,
- Petitioner Exhibit 24: “Proximity to a Flood Zone Lowers Property Values” by Wiley-Blackwell (April 3, 2008),
- Petitioner Exhibit 25: “So Your House is in a Flood Zone – Will Selling it be a Nightmare?” Summary from [www.homelight.com](http://www.homelight.com),
- Petitioner Exhibit 26: “Is Flood Insurance Effecting the Resale Value of Your Home?” by Keene Woods Realty (page 1),
- Petitioner Exhibit 27: “Is Flood Insurance Effecting the Resale Value of Your Home?” by Keene Woods Realty (page 2),
- Petitioner Exhibit 28: “Selling a Home in a Flood Zone: How to help Your Client,”
- Petitioner Exhibit 29: “Strategies for Selling a Home in a Flood Zone,”
- Petitioner Exhibit 30: “Flood Insurance Price Increases Affecting Home Sales” from Insurance Journal (page 1),
- Petitioner Exhibit 31: “Flood Insurance Price Increases Affecting Home Sales” from Insurance Journal (page 2),
- Petitioner Exhibit 32: “Flood Insurance Price Increases Affecting Home Sales” from Insurance Journal (page 3),
- Petitioner Exhibit 33: “Flood Insurance Price Increases Affecting Home Sales” from Insurance Journal (page 4),
- Petitioner Exhibit 34: 2017 photograph of 117 Riverview from multiple listing sheet (MLS),

Petitioner Exhibit 35: Aerial photograph of an unidentified neighborhood,  
Petitioner Exhibit 36: Aerial photograph of Madison, Indiana,  
Petitioner Exhibit 37: Aerial photograph of the subject property's neighborhood,  
Petitioner Exhibit 38: Google Maps photograph of 650 Elm Street,  
Petitioner Exhibit 39: Google Maps photograph of 435 West 4<sup>th</sup> Street,  
Petitioner Exhibit 40: Google Maps photograph of 713 Elm Street,  
Petitioner Exhibit 41: Google Maps photograph of 711 Elm Street,  
Petitioner Exhibit 42: Google Maps photograph of 709 Elm Street,  
Petitioner Exhibit 43: Photograph of 709 Elm Street,  
Petitioner Exhibit 44: Google Maps photograph of 678 Elm Street,  
Petitioner Exhibit 45: Photograph of 711 Elm Street,  
Petitioner Exhibit 46: Google Maps photograph of 715 Elm Street,  
Petitioner Exhibit 47: Photograph of 713 Elm Street,  
Petitioner Exhibit 48: Photograph of 713 Elm Street,  
Petitioner Exhibit 49: Photograph of 713 Elm Street,  
Petitioner Exhibit 50: Aerial photograph of 701, 711, and 713 Elm Street,  
Petitioner Exhibit 51: Seller's Residential Real Estate Sales Disclosure for 701 Elm Street (page 1),  
Petitioner Exhibit 52: Seller's Residential Real Estate Sales Disclosure for 701 Elm Street (page 2),  
Petitioner Exhibit 53: "Change Order to Contract" from Acculevel dated May 22, 2019,  
Petitioner Exhibit 54: Acculevel invoice dated May 21, 2019,  
Petitioner Exhibit 55: Property record card (PRC) for 633 Broadway Street (page 1),  
Petitioner Exhibit 56: PRC for 633 Broadway Street (page 2),  
Petitioner Exhibit 57: Aerial photograph of Elm Street and Fifth Street,  
Petitioner Exhibit 58: Aerial photograph from 420 Broadway Street to 633 Broadway Street,  
Petitioner Exhibit 59: Subject PRC (page 1),  
Petitioner Exhibit 60: Subject PRC (page 2),  
Petitioner Exhibit 61: Photograph of the subject property,  
Petitioner Exhibit 62: Photograph of the subject property,  
Petitioner Exhibit 63: MLS photographs of 117-119 St. Michaels Avenue,  
Petitioner Exhibit 64: "How Flood Factor's newest tool helps you learn your home's average annual flood costs based on your flood risk" from First Street Foundation,  
Petitioner Exhibit 65: "Severe Flood Factor" for 701 Elm Street,  
Petitioner Exhibit 66: 2021 flood damage estimate for 701 Elm Street,  
Petitioner Exhibit 67: Flood Factor for 808 West Second Street (page 1),  
Petitioner Exhibit 68: Flood Factor for 808 West Second Street (page 2),  
Petitioner Exhibit 69: Flood Factor for 738 West Third Street (page 1),  
Petitioner Exhibit 70: Flood Factor for 738 West Third Street (page 2),  
Petitioner Exhibit 71: Flood Factor for 1207 West Main Street (page 1),

6. The Respondent offered the following exhibit:

- Respondent Exhibit A: 2019 subject PRC,
- Respondent Exhibit B: Appraisal Report of the subject property prepared by Angela E. Smith with an effective date of January 1, 2019,
- Respondent Exhibit C: “Subjective Property Characteristics in Mass Appraisal” training material from the Department of Local Government Finance (DLGF),
- Respondent Exhibit D: Eleven photographs of the subject property,
- Respondent Exhibit E: Real Property Assessment Guidelines – Appendix A, Residential and Agricultural Grade (pages 6-14),
- Respondent Exhibit F: PTABOA audio recording from September 24, 2019, hearing,
- Respondent Exhibit G: PTABOA audio recording from January 16, 2020, hearing,
- Respondent Exhibit H: Respondent’s remodel effective age calculator,
- Respondent Exhibit I: Aerial photograph of the subject property,
- Respondent Exhibit J: Aerial photograph of the subject property.

7. The record also includes the following: (1) all pleadings and documents filed in this appeal; (2) all orders and notices issued by the Board or ALJ; and (3) the digital recording of the hearing and these findings and conclusions.

8. The property under appeal is a single-family home with a detached garage located at 701 Elm Street in Madison.

9. The PTABOA determined a total assessment of \$124,000 (land \$7,600 and improvements \$116,400).

10. The Petitioner requested a total assessment of \$67,600 (land \$7,600 and improvements \$60,000).

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<sup>2</sup> The Petitioner submitted PRCs for 211 West Fifth Street, 221 West Fifth Street, 711 Elm Street, 713 Elm Street, 709 Elm Street, and 715 Elm Street but did not enter them into the record.

## **OBJECTIONS**

11. Mr. Pittman objected to Respondent's Exhibit B, the appraisal report, on the grounds of relevancy. More specifically, he argued the appraisal was completed "based off of pictures." In response, Ms. Mannix argued that Mr. Pittman verified at his PTABOA hearing the photographs were in fact the interior photographs of the home. The ALJ took the objection under advisement. Because the objection goes more to the weight of the exhibit rather than its admissibility, the Board overrules the objection and Respondent's Exhibit B is admitted.
  
12. The Respondent objected to Petitioner's Exhibit 35, the aerial photograph of an unidentified neighborhood, on the grounds of relevancy. More specifically, Ms. Mannix argued the internet photograph is of a coastal town not of a neighborhood in Madison. Ms. Mannix went on to argue that flooding in a coastal town from a hurricane does not compare to creek flooding. In response, Mr. Pittman stated the photograph is one "grabbed off the internet" to illustrate his idea of a neighborhood. The ALJ took the objection under advisement. The objection goes to the weight of the exhibit rather than its admissibility, and as a result, the Board overrules the objection and Petitioner's Exhibit 35 is admitted.

## **PETITIONER'S CONTENTIONS**

13. The subject property's assessment is too high. The Petitioner purchased the property in 2012 and completed a remodel in 2013. According to the Petitioner, a 2015 change in the floodplain negatively impacted the property's marketability. According to various publications, the area suffers from a "severe flood risk of 7 out 10." The property is now classified as being located in the AE flood zone. Because of the flood risk, floodplain regulations, and increased flood insurance cost, there has been no new development in

the area.<sup>3</sup> *Pittman testimony; Pet'r Ex. 1, 2, 6, 9, 10, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34.*

14. According to the DNR, the “best flood elevation” for an AE flood zone is 472 feet. The current elevation of the property is 465 feet. Therefore, the home would need to be raised seven feet and placed on a slab or crawl space to be compliant with DNR guidelines. *Pittman testimony; Pet'r Ex. 12, 16.*
15. According to Mr. Pittman, the PTABOA erred in increasing the assessment based on an appraisal containing professional photographs obtained from the internet. The photographs were obtained from a website that was originally set up to advertise the property as a “guest house.” But this was not feasible for the area, so the home was converted to a long-term rental. Because the home is used as a long-term rental, it no longer looks like the photographs in the appraisal. *Pittman argument (referencing Resp't Ex. B); Pet'r Ex. 3.*
16. At the PTABOA hearing, testimony was offered regarding a purportedly comparable property located at 117/119 St. Michaels Avenue that sold for over \$200,000. This property has an unobstructed view of the Ohio River and is in fact two separate homes that share a common interior wall. These homes are masonry brick with three bedrooms, include a 376 square feet of basement, and 632 square feet of crawl space each. The subject property, on the other hand, is a one-story frame home measuring 1,180 square feet and has no view of the Ohio River. Mr. Pittman argues 117/119 St. Michaels Avenue and the subject property are not “equivalent.” *Pittman testimony; Pet'r Ex. 3, 34, 59, 60, 63.*
17. The PTABOA also erred in alleging the property has three fireplaces, a concrete driveway, and five rooms. The fireplaces are decorative and are “screwed” into the walls and can be removed at any time. The driveway has a small concrete apron, while the rest

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<sup>3</sup> In response to questioning, Mr. Pittman testified that the last time the subject property significantly flooded was in 1937. Mr. Pittman went on to state that since 2012 the home has “experienced water” and a sump pump was installed to rectify the problem. *Pittman testimony.*

is gravel. Meanwhile, the living room, family room, and kitchen are all “one room” instead of separate areas. Additionally, the county classified the windows as thermal pane, when in fact, some are single pane and the newer windows cannot be opened, so they are “glass walls.” *Pittman testimony; Pet’r Ex. 3.*

18. The PTABOA also erred in claiming flood insurance could be purchased for less than \$1,000 because there is minimal risk of flooding. The Petitioner contacted Auto-Owners Insurance to obtain quotes for flood insurance on the home and garage. To insure the home the quoted premium was \$4,311 and the garage premium was \$1,436. *Pittman testimony; Pet’r Ex. 22, 23.*
19. The Respondent’s appraisal is flawed. The appraisal indicates the neighborhood is stable. There are five homes in neighborhood along the west side of Elm Street, two are abandoned and one is in disrepair. All the properties are located in a “special flood hazard area,” and this designation requires mitigation to rebuild. One nice home does not make the neighborhood “stable,” therefore the neighborhood should be classified as “declining.” *Pittman testimony (referencing Resp’t Ex. B); Pet’r Ex. 3, 43, 44, 45, 46, 47, 48, 49.*
20. The subject property is not comparable to the purportedly comparable homes utilized in the Respondent’s appraisal because the subject property is built over a 9-foot by 9-foot cistern. To make the subject property comparable, the cistern would need to be filled in and the house put on a slab. The house is also located “slightly” over the property line and would need to be relocated within the proper boundary lines. *Pittman testimony; Pet’r Ex. 3.*
21. According to The First Street Foundation, a foundation that studies FEMA maps and environmental changes, if the subject area floods the estimated cost to repair the damage would be between \$52,000 to \$54,000. This same foundation “found” that the purportedly comparable properties utilized in the Respondent’s appraisal have flood



factors of 1 and show the estimated cost to repair damage caused by flooding to be zero. *Pittman argument (referencing Resp't Ex. B); Pet'r Ex. 64, 65, 66, 67, 68, 69, 70, 71, 72.*

22. Finally, the Petitioner argued the subject property's assessment is more than that of a comparable property located at 633 Broadway Street. The 633 Broadway Street home is brick and frame, similar in gross living area, and includes a detached garage. This home is not located in a flood zone. The total 2019 assessment of this property was \$79,600. The subject property, on the other hand, is located in a flood zone and the 2019 total assessment increased to \$124,000. *Pittman testimony; Pet'r Ex. 55, 56, 57, 58, 59, 60.*

### **RESPONDENT'S CONTENTIONS**

23. The subject property is correctly assessed. On September 5, 2018, during cyclical reassessment, the Respondent discovered the subject property was extensively remodeled. The house was "taken all the way down to the foundation." The windows, doors, light fixtures, flooring, plumbing, interior and exterior walls were replaced. The bathrooms were remodeled, and heating and air conditioning were added. As a result of that review and online photographs, the house grade was changed to B, the condition was changed to excellent, and the effective age was changed to 1972. Additionally, the 30% obsolescence depreciation was removed. These changes increased the 2019 assessment. Because the assessment increased, the Petitioner filed an appeal with the PTABOA. At the PTABOA's initial hearing, an appraisal of the subject property was ordered. *Mannix argument; Stillwell testimony; Resp't Ex. A, C, D, E, F, G, H, I, J.*
24. The Respondent offered an external residential appraisal report prepared by certified residential appraiser Angela E. Smith. Ms. Smith certified she appraised the subject property and prepared her report in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP). Ms. Smith estimated the value of the subject property to be \$124,000 as of January 1, 2019. *Smith testimony; Resp't Ex. B.*
25. To obtain her final estimate of value, Ms. Smith considered both the sales comparison and cost approaches to value. In developing her sales comparison approach, Ms. Smith

selected three comparable properties in the area. These properties sold between July 2018 and October 2018. The sales prices ranged from \$105,900 to \$152,000. The adjusted sale prices ranged from \$115,900 to \$128,848. Adjustments were made to account for differences such as site, condition, garage, porch, patio, deck, fireplaces, and flood zone.<sup>4</sup> The most weight was given to 808 West Second Street and 1207 West Main Street. The least amount of weight was given to 738 West Third Street. The sales comparison approach yielded a value of \$124,000. *Smith testimony; Resp't Ex. B.*

26. Ms. Smith explained the subject property is located along a creek in the AE flood zone. The AE flood zone has a 0.07% chance of flooding. To adjust for the flood zone in her sales comparison approach, she contacted several insurance agents to obtain the cost for flood insurance. Because a typical homeowner lives in their home roughly four to five years, she subtracted the flood insurance cost for the same amount of time. Accordingly, the flood zone adjustment to the comparable properties was to account for any flood costs that the subject property might incur. *Smith testimony; Resp't Ex. B.*
27. Ms. Smith also developed the cost approach using Marshall & Swift and local builder costs. She estimated the site value, replacement cost new, and physical depreciation. Under this approach, she concluded an estimated value of \$129,985. *Smith testimony; Resp't Ex. B.*
28. The Respondent also argued that based on the Petitioner's own exhibit, the First Street Foundation states that "in 2021, it is 0.2% likely that 11.3 feet to 14.2 feet of water will reach the largest building on this property." Therefore, the subject property only suffers from minimal flood risk.<sup>5</sup> *Mannix argument (referencing Pet'r Ex. 66, 67).*

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<sup>4</sup> The interior photographs of the subject property were obtained online when the property was listed for rent as an "Air B & B." The photographs show the home was completely remodeled. In particular, the kitchen was remodeled, the flooring and walls were updated. Because the appraiser did not physically inspect the interior of the home, she was "conservative" on her final opinion of value. *Smith testimony; Resp't Ex. B.*

<sup>5</sup> The "minimal flood risk" referred to on Petitioner's Exhibit 67 is for the property located at 808 West Second Street. *Pet'r Ex. 67.*

29. The Respondent also clarified that the county does not assess sidewalks or storm sewers on a property. The number of rooms listed on a property record card is for informational purposes only. The subject property is currently a long-term rental being assessed according to its size and the fireplaces and cistern are not currently being assessed. *Mannix testimony; Resp't Ex. A.*

### **BURDEN OF PROOF**

30. Generally, the taxpayer has the burden to prove that an assessment is incorrect and what the correct assessment should be. *See Meridian Towers East & West v. Washington Twp. 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). The burden-shifting statute creates two exceptions to that rule.
31. First, Ind. Code § 6-1.1-15-17.2 “applies to any review or appeal of an assessment under this chapter if the assessment that is the subject of the review or appeal is an increase of more than five percent (5%) over the assessment for the same property for the prior tax year.” Ind. Code § 6-1.1-15-17.2(a). “Under this section, the county assessor or township assessor making the assessment has the burden of proving that the assessment is correct in any review or appeal under this chapter and in any appeal taken to the Indiana board of tax review or to the Indiana tax court.” Ind. Code § 6-1.1-15-17.2(b).
32. Second, Ind. Code § 6-1.1-15-17.2(d) “applies to real property for which the gross assessed value of the real property was reduced by the assessing official or reviewing authority in an appeal conducted under IC 6-1.1-15.” Under those circumstances, “if the gross assessed value of real property for an assessment date that follows the latest assessment date that was the subject of an appeal described in this subsection is increased above the gross assessed value of the real property for the latest assessment date covered by the appeal, regardless of the amount of the increase, the county assessor or township assessor (if any) making the assessment has the burden of proving that the assessment is correct.” Ind. Code § 6-1.1-15-17.2(d).

33. Here, the parties agree the assessment increased by more than 5% from 2018 to 2019. Accordingly, the burden shifting provisions of Ind. Code § 6-1.1-15-17.2 apply and the Respondent has the burden to prove the 2019 assessment is correct.

#### ANALYSIS

34. Real property is assessed based on its market value-in-use. Ind. Code § 6-1.1-31-6(c); 2011 REAL PROPERTY ASSESSMENT MANUAL at 2 (incorporated by reference at 50 IAC 2.4-1-2). The cost approach, the sales comparison approach, and the income approach are three generally accepted techniques to calculate market value-in-use. Assessing officials primarily use the cost approach, but other evidence is permitted to prove an accurate valuation. Such evidence may include actual construction costs, sales information regarding the subject property or comparable properties, appraisals, and any other information compiled in accordance with generally accepted appraisal principles.
35. Regardless of the method used, a party must explain how the evidence relates to the relevant valuation date. *O'Donnell v. Dep't of Local Gov't Fin.*, 854 N.E.2d 90, 95 (Ind. Tax Ct. 2006); *see also Long v. Wayne Twp. Ass'r*, 821 N.E.2d 466, 471 (Ind. Tax Ct. 2005). For a 2019 assessment, the valuation date was January 1, 2019. *See* Ind. Code § 6-1.1-2-1.5.
36. Here, the Respondent had the burden to prove the 2019 assessment was correct. To support the assessment, the Respondent offered a USPAP compliant appraisal prepared by licensed residential appraiser Angela Smith. In completing her appraisal, Ms. Smith developed the sales comparison approach and cost approach. She concluded the value of the property to be \$124,000 as of January 1, 2019. An appraisal performed in conformance with generally recognized appraisal principles is often enough to establish a prima facie case. *Meridian Towers*, 805 N.E.2d at 479.
37. In an attempt to impeach the appraisal, the Petitioner argued it was flawed for several reasons. First, Mr. Pittman argued the resulting value was too high because Ms. Smith appraised the property based on pictures obtained from the internet. Mr. Pittman also

argued the neighborhood classification of stable was inconsistent with the condition of the other homes in the neighborhood. Finally, Mr. Pittman argued that Ms. Smith selected purported comparable properties that did not have a cistern or adjust for the cost to remove the cistern from the subject property. According to Ms. Smith, she selected three comparable properties and made adjustments to account for various differences, including the flood zone, based on the subject property's market area. The amount of the adjustments was determined by paired sales analysis. This is well within the expertise of a licensed appraiser. The Board recognizes the appraisal process requires expertise and most often involves issues that are a matter of opinion, rather than questions with a correct or incorrect answer. Even if the appraisal has some flaws and inconsistencies, the USPAP-compliant appraisal is still probative evidence of market value-in-use. Accordingly, the Respondent made a prima facie case that the 2019 assessment should be sustained at \$124,000. The burden shifts to the Petitioner to rebut the Respondent's valuation evidence.

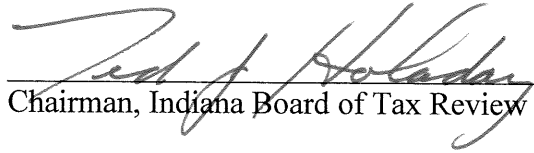
38. The Petitioner argued the market value-in-use is affected because the property is located in a flood zone and is not in compliance with the DNR flood elevation standards. Even if the Board accepts the notion that the property's location in a floodplain detracts from the market value-in-use, the Petitioner failed to submit any market-based evidence to quantify the effect.
39. The Petitioner offered the assessed value of a comparable property located at 633 Broadway Street. A party offering assessment data must use generally accepted appraisal or assessment practices to show that the property from which the data is drawn is comparable to the property under appeal. *See* Ind. Code § 6-1.1-15-18(c); *see also Long*, 821 N.E.2d at 470-71. Conclusory statements that properties are "similar" or "comparable" do not suffice; instead, parties must explain how the properties compare to each other in terms of characteristics that affect market value-in-use. *Long*, 821 N.E.2d at 471. He must similarly explain how relevant differences affect values. *Id.*

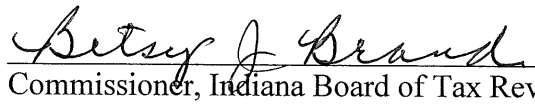
40. The Petitioner failed to offer the type of comparative data and analysis contemplated by the Tax Court or generally accepted appraisal and assessment practices. While Mr. Pittman identified the street where the property is located and discussed some amenities of the property, he offered little or no evidence on many characteristics that affect market value-in-use. He also failed to explain how relevant differences affected the property's value. For this reason, the comparative evidence lacks probative value.
41. The Petitioner's other main complaint was with what he perceived as the PTABOA's bias and errors in determining the assessed value. The Board disagrees with his conclusions. Even if the Petitioner had shown bias or errors in the assessed value, it would not affect the Board's determination. The Board's proceedings are conducted *de novo*, and consequently, the Board owes no deference to the PTABOA. The Board addresses only the evidence and arguments made before us. At the Board's hearing, the Respondent offered Ms. Smith's USPAP-compliant valuation opinion, and the Petitioner failed to impeach or rebut it.
42. The Board finds Ms. Smith's appraisal and accompanying testimony to be the most probative evidence of market value-in-use. Accordingly, the Board sustains the 2019 assessment of \$124,000.

#### **SUMMARY OF FINAL DETERMINATION**

43. The Board finds for the Respondent and orders no change to the 2019 assessment.

The Final Determination of the above captioned matter is issued by the Indiana Board of Tax Review on the date written above.

  
Chairman, Indiana Board of Tax Review

  
Commissioner, Indiana Board of Tax Review

  
Commissioner, Indiana Board of Tax Review

**- APPEAL RIGHTS -**

You may petition for judicial review of this final determination under the provisions of Indiana Code § 6-1.1-15-5 and the Indiana Tax Court's rules. To initiate a proceeding for judicial review you must take the action required not later than forty-five (45) days after the date of this notice. The Indiana Code is available on the Internet at <http://www.in.gov/legislative/ic/code>. The Indiana Tax Court's rules are available at <http://www.in.gov/judiciary/rules/tax/index.html>.