

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

Petition No.: 15-016-24-1-5-01050-24
Petitioners: Anthony Albu & Jenni Crowley-Albu
Respondent: Dearborn County Assessor
Parcel: 15-06-36-200-001.002-016
Assessment Year: 2024

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

Procedural History

1. Anthony Albu and Jenni Crowley-Albu ("Petitioners") appealed the 2024 assessment of their property located on 500 Oberting Road in Lawrenceburg on June 12, 2024.
2. The Dearborn County Property Tax Assessment Board of Appeals ("PTABOA") held a hearing on August 29, 2024. The PTABOA issued its determination on September 27, 2024, sustaining the assessment at \$56,800 for land and \$690,000 for improvements for a total assessment of \$746,800.
3. The Albus appealed to the Board on November 13, 2024, electing to proceed under the small claims procedures.
4. On August 13, 2025, Dalene McMillen, the Board's Administrative Law Judge ("ALJ"), held a telephonic hearing. Neither the Board nor the ALJ inspected the property.
5. Anthony Albu and Jenni Crowley-Albu appeared *pro se*. Andrew Baudendistel appeared as the Assessor's attorney. Assessor Megan Acra, Appraiser Jeffrey Thomas, and the Petitioners testified under oath.

Record

6. The parties submitted the following exhibits:

Petitioner Exhibit 1: Multiple listing client detail reports,
Petitioner Exhibit 2: Comparable sales analysis.

Respondent Exhibit 1: Appraisal report of the subject property prepared by
Jeffrey David Thomas of Appraisals, Inc.

- a) 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) a digital recording of the hearing.

Findings of Fact

A. Subject Property

7. The subject property consists of a two-story, 3,326 sq. ft. brick home built in 2019 with 3 bedrooms, 2.5 bathrooms, a 6,480 sq. ft. pole barn, and two lean-tos located on 37.113 acres in Lawrenceburg. The land is used both for residential and agricultural purposes. In addition, a farm supply business operates out of the subject property. The business operations include the selling, demonstrating, and testing of agricultural equipment. *Albu testimony; J. Crowley-Albu testimony; Resp't Ex. 1.*
8. The 2024 assessment under appeal of \$746,800 is an approximately 67.67% increase over the prior year's assessment of \$445,400. The assessment increased primarily because the Assessor changed the "market model" for the subject property from vacant to residential. The market model is a locally developed multiplier that adjusts the assessed value of the residential improvements based on sales in the area. For 2024, this was an increase of 72% of the replacement cost. According to the Assessor, this change should have been made in 2023. The home was first assessed in 2022. *Acra testimony; See Form 131 (attached property record card).*

B. Thomas Appraisal

9. The Assessor engaged Jeffrey Thomas of Appraisals, Inc. to appraise the retrospective market value of the subject property as of March 1, 2024. He certified that his appraisal complied with the Uniform Standards of Professional Appraisal Practice ("USPAP"). To arrive at his opinion of value, Thomas developed a sales-comparison approach. He did not separately value the agricultural land. He concluded to a value of \$790,000 as of March 1, 2024. *Thomas testimony; Resp't Ex. 1.*
10. As discussed in more detail below, agricultural land in Indiana is not valued using its market value, but rather under the rules of the Department of Local Government Finance ("DLGF"). Because Thomas failed to develop a separate allocation of the residential and agricultural land, we cannot rely on his appraisal for the value of the subject property.

C. Petitioners' Sales-Comparison Analysis

11. The Petitioners presented a sales analysis prepared by a realtor. The purportedly comparable properties sold for prices ranging from \$335,000 to \$450,000 between

November of 2023 and May of 2024. Adjustments were made for factors such as the pole barn, land, bedrooms, bathrooms, and age. The adjusted prices ranged from \$412,000 to \$454,500 or an average of \$433,357. *J. Crowley-Albu testimony; Pet'r Exs. 1 & 2.*

12. We do not find this analysis to be reliable evidence of value because the Petitioners did not show that the realtor who prepared the analysis had the necessary expertise in real property valuation or followed generally accepted appraisal principles.

Contentions

13. Summary of the Respondent's case:
 - a) Based on Thomas' appraisal, the Assessor argued that the subject property was not over-assessed for the year under appeal. She requested the 2024 assessment be sustained. *Acra testimony.*
 - b) The Assessor also argued that the Petitioners' comparable properties were flawed because they were different sizes than the subject, located in different neighborhoods, and some were from after the assessment date. *Acra testimony; Thomas testimony.*
14. Summary of the Petitioners' case:
 - a) The Petitioners argued that their improvements should be assessed at \$404,520. They reached this value by depreciating the value of the home from the 2023 assessment by 10% and combining it with the assessment of the pole barn. They also pointed to the realtor-prepared sales analysis as additional support. Finally, they argued that the market factor applied to the 2024 assessment was excessive. *J. Crowley-Albu testimony.*

Burden of Proof

15. Generally, the taxpayer has the burden of proof when challenging a property tax assessment. Accordingly, the assessment on appeal, "as last determined by an assessing official or the county board," will be presumed to equal "the property's true tax value." Indiana Code § 6-1.1-15-20(a) (effective March 21, 2022).
16. However, the burden of proof shifts if the property's assessment "increased more than five percent (5%) over the property's assessment for the prior tax year." I.C. § 6-1.1-15-20(b). Subject to certain exceptions, the assessment "is no longer presumed to be equal to the property's true tax value, and the assessing official has the burden of proof." *Id.* The burden does not shift if the increase in the assessment is based on "(1) substantial renovations or new improvements; (2) zoning; or (3) uses; that were not considered in the assessment for the prior tax year." I.C. § 6-1.1-15-20(d).

17. If the burden has shifted, and “the totality of the evidence presented to the Indiana board is insufficient to determine the property’s true tax value,” then the “property’s prior year assessment is presumed to be equal to the property’s true tax value.” I.C. § 6-1.1-15-20(f).
18. Here, the assessment under appeal (2024) increased more than 5% over the prior year’s assessment (2023). The ALJ made a preliminary determination that the Petitioners had the burden of proof, but upon further review we find that the Assessor has not shown that any of the exceptions apply.
19. The Assessor explained that the increase in the assessment was due to changing the “market model” from vacant to residential. The house was built in 2019 and first assessed in 2022. The facts do not establish that the 2023 assessment omitted the house entirely. Nor does the record reflect that any specific improvements were omitted in 2023 and added in 2024. Accordingly, we find there is no evidence of substantial renovations or new improvements, and there is no suggestion of any changes in zoning. The only remaining exception to the burden shifting rule would be a change in use.
20. The Assessor argues that, consistent with her own internal mass assessment methodologies, the “market model” influence factor should have been applied in 2023 due to the house no longer being vacant. Thus, the Assessor is implicitly arguing that a change from vacant to occupied is a change of use that should except this appeal from a shift in the burden of proof. We do not find that the Assessor has demonstrated that a vacant house necessarily represents a different use than an occupied house for the purposes of I.C. § 6-1.1-15-20(d). The Assessor has offered no analysis or argument to support this claim. We find that the Assessor has not credibly established that this error in applying an influence factor to the prior year’s assessment reflects a change in use, as the record reflects that both assessments valued the house as a residential property. When a property’s assessment has increased more than 5% over the prior year’s assessment as it has here, and the Assessor is contesting the application of the burden-shifting rule, it is the Assessor’s responsibility to provide sufficient evidence showing that an exception to the burden-shifting rule should apply. Here, the Assessor has not done so. Thus, the Assessor bears the burden of proof.

Analysis

21. The Assessor has the burden of proof, and the totality of the evidence is insufficient to support any value. Thus, the assessment will revert to the prior year’s value.
 - a) The Indiana Board of Tax Review is the trier of fact in property tax appeals, and its charge is to “weigh the evidence and decide the true tax value of the property as compelled by the totality of the probative evidence before it. I.C. § 6-1.1-15-20(f). The Board’s conclusion of a property’s true tax value “may be higher or lower than the assessment or the value proposed by a party or witness.” *Id.* Regardless of which

party has the initial burden of proof, either party “may present evidence of the true tax value of the property, seeking to decrease or increase the assessment.” I.C. § 6-1.1-15-20(e).

- b) The goal of Indiana’s real property assessment system is to arrive at an assessment reflecting a property’s true tax value. 52 IAC 2.4-1-2; 2021 REAL PROPERTY ASSESSMENT MANUAL at 3. True tax value does not mean “fair market value” or the value of the property to the user.” I.C. § 6-1.1-31-6(c), (e). Instead, it is determined under the rules of the DLGF. I.C. § 6-1.1-31-5(a); I.C. § 6-1.1-31-6(f).
- c) For most real property, the DLGF defines true tax value as “market value-in-use,” which it in turn defines as “[t]he market value-in-use of a property for its current use, as reflected by the utility received by the owner or a similar user, from the property.” MANUAL at 2. In order to meet its burden of proof, a party “must present objectively verifiable, market-based evidence.” *Piotrowski v. Shelby County Ass’r*, 177 N.E.3d 127, 132 (Ind. Tax Ct. 2021) (citing *Eckerling v. Wayne Twp. Ass’r*, 841 N.E.2d 674, 677-78 (Ind. Tax Ct. 2006)). Market-based evidence may include “sales data, appraisals, or other information compiled in accordance with generally accepted appraisal principles.” *Peters v. Garoffolo*, 32 N.E.3d 847, 849 (Ind. Tax Ct. 2015). Relevant assessments are also admissible, but arguments that “another property is ‘similar’ or ‘comparable’ simply because it is on the same street are nothing more than conclusions ... [and] do not constitute probative evidence.” *Marinov v. Tippecanoe County Ass’r*, 119 N.E.3d 1152, 1156 (Ind. Tax Ct. 2019). Finally, the evidence must reliably indicate the property’s value as of the valuation date. *O’Donnell v. Dept. of Local Gov’t Fin.*, 854 N.E.2d 90, 95 (Ind. Tax Ct. 2006).
- d) In addition, I.C. § 6-1.1-4-13(a) provides that “land shall be assessed as agricultural land only when it is devoted to agricultural use.” “Agricultural property” is defined as land “devoted to or best adaptable for the production of crops, fruits, timber and the raising of livestock.” 2021 REAL PROPERTY ASSESSMENT GUIDELINES, Glossary at 2. The statutory and regulatory scheme for assessing agricultural land requires the Board to treat challenges to those assessments differently than other assessment challenges. For example, the legislature directed the DLGF to use distinctive factors such as soil productivity that do not apply to other types of land. I.C. § 6-1.1-4-13. The DLGF determines a statewide base rate by taking a rolling average of capitalized net income from agricultural land. See GUIDELINES, Ch. 2 at 73-74. Assessors then adjust that base rate according to soil productivity factors. Depending on the type of agricultural land at issue, assessors may then apply influence factors in predetermined amounts. *Id.* at 83, 87, 95-96.
- e) As part of determining true tax value, the Guidelines provide for one acre per dwelling on agricultural property to be classified as type 9 agricultural homesite. GUIDELINES, Ch. 2 at 90. The homesite makes up a portion of a property’s land value. Also, areas containing a large, manicured yard above the accepted one-acre

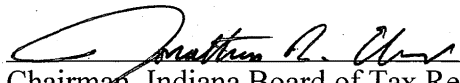
homesite are classified as type 92 agricultural excess acreage. GUIDELINES, Ch. 2 at 51, 52, & 90. Unlike other subtypes of agricultural land, homesite and agricultural excess acreage true tax values cannot be established on appeal by applying the Guidelines. Instead, a party needs to offer probative market-based evidence. So, for properties with mixed residential and agricultural uses like the subject property, the parties are faced with a hybrid regime for proving true tax value. Land devoted to agricultural use must be valued using the soil-productivity method, and the parties' evidence must conform to the Guidelines. For improvements, including homes, the parties must offer market-based evidence to establish market value-in-use.

- f) In this case, the Assessor had the burden of proof and relied primarily on the Thomas appraisal. An appraisal can be the best evidence of value, but in this case, we find the appraisal failed to properly account for the subject property's agricultural land. Here, there is no dispute that a portion of the subject property's land should be assessed as agricultural. Thus, in order to meet the burden of proof, the Assessor needed to provide two things: (1) reliable market-based evidence for the value of the home and homesite, and (2) a showing of the correct agricultural assessment under the Guidelines. Here, the Assessor provided neither. The Thomas appraisal valued the subject property as a whole with no allocation between the homesite and the agricultural land. In addition, the Assessor did not provide any reliable evidence of the correct assessment for the agricultural portion of the subject land. For these reasons, we find the Assessor has failed to meet the burden of proof.
- g) We now turn to the Petitioners' evidence. They requested an assessment based on an adjustment from their 2023 assessment. But as the Tax Court has explained "each tax year-and appeal process-stands alone." *Fisher v. Carroll Cty. Ass'r*, 74 N.E.3d 582, 588 (Ind. Tax Ct. 2017). Absent the application of the burden-shifting statute, the subject property's assessment in years not under appeal is of little relevance. Rather, the focus is what the value should be as of the relevant assessment date. The Petitioners did provide a sales analysis, but as discussed above we do not find it to be reliable because there is no evidence it was prepared with the necessary expertise or with the use of generally accepted appraisal principles. Finally, the Petitioners argued that the market factor in their 2024 assessment was incorrect. But simply attacking the methodology used to develop the assessment is insufficient to establish a value. *Piotrowski*, 177 N.E.3d at 133. Instead, parties must use market-based evidence to "demonstrate that the suggested value accurately reflects the property's true market value-in-use." *Eckerling*, 841 N.E.2d at 678. For these reasons, we find the Petitioners have failed to make a case for any specific value.

Final Determination

- 22. Because the burden of proof has shifted and the totality of the evidence is insufficient to support any value, the prior year's assessment is presumed correct under I.C. § 6-1.1-15-20(f). Thus, we order the assessment reduced to the prior year's value of \$445,400.

ISSUED: DECEMBER 9, 2025


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>.