

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

**Petition: 32-012-18-1-5-00001-19**  
**Petitioner: Christa Anderson**  
**Respondent: Hendricks County Assessor**  
**Parcel: 32-10-25-370-018.000-012**  
**Assessment Year: 2018**

The Indiana Board of Tax Review (“Board”) issues this determination in the above matter, finding and concluding as follows:

**Procedural History**

1. Christa Anderson contested the following assessment of her property located at 335 Hancock Road in Plainfield:

<b>Year</b>	<b>Land</b>	<b>Improvements</b>	<b>Total</b>
2018	\$23,300	\$112,600	\$135,900

2. More than 180 days passed without the Hendricks County Property Tax Assessment Board of Appeals issuing a determination, and Anderson opted to file Form 131 petition with the Board. She elected to proceed under our small claims procedures. On March 26, 2019, Jeremy Owens, our designated administrative law judge (“ALJ”), held a hearing on Anderson’s petition. Neither he nor the Board inspected the property.
3. Anderson appeared *pro se*. Julie Harger and Charlene Cuthbertson appeared for the Assessor. All were sworn and testified.

**Record**

4. The record contains the following:

Petitioner Exhibit 1:	2014-2018 Anderson property record card
Petitioner Exhibit 2:	2013-2017 Anderson property record card
Respondent Exhibit A:	Assessor’s Office Review of Form 130 Appeal
Respondent Exhibit B:	Form 130 petition
Respondent Exhibit C:	Listing sheet for Anderson’s property
Respondent Exhibit D:	Photograph of Anderson’s property with property

- Respondent Exhibit E: data  
Photograph of 1631 Section Street with property data (Comparable 1)
- Respondent Exhibit F: Photograph of 1621 Aubert Street with property data (Comparable 2)
- Respondent Exhibit G: Photograph of 209 Wayside Drive with property data (Comparable 3)

5. The record also includes the following: (1) all pleadings, motions, briefs, and documents filed in these appeals; (2) all orders and notices issued by the Board or our ALJ; and (3) an audio recording of the hearing.

### Contentions

#### The Assessor’s Case:

6. The Assessor’s deputy, Julie Harger, agreed that the assessment should be reduced by \$700 to account for the fact that part of the house is not air-conditioned. But she disagreed with the other claims on Anderson’s Form 130 petition. Anderson complained that the 2018 assessment was based on the home having 1,485 square feet, whereas it previously was assessed as having only 1,400 square feet. Harger explained that the Assessor’s office had re-measured the home before the 2018 assessment. As for Anderson’s complaint that the valuation for her concrete stoop increased between assessment years, Harger explained that the valuation was based on cost tables from the state. *Harger testimony and argument; Resp’t Exs. A-C.*
7. In any case, Harger explained that the market dictates a property’s true tax value. In assessing properties, the Assessor compares neighborhood sales to the values determined by applying cost tables and adjusts the assessments accordingly. One of the things about which Anderson complained—changing the effective age for all the homes in the neighborhood—was a market adjustment. *Harger testimony.*
8. To support the Assessor’s position that the property should be assessed at \$135,200 (the original assessment minus the \$700 adjustment for lack of air-conditioning), Harger pointed to sales of three properties from Anderson’s neighborhood. She provided some basic comparison data and adjusted the sale prices to account for certain differences between the sold properties and Anderson’s property:

Features	Anderson	Comp 1	Comp 2	Comp 3
Site Area	.25 acre	.31 acre	.22 acre	.27 acre
Home Area	1,485	1,472	1,336	802
Year Built	1960	1964	1957	1956

Bed/Bath	3/1	3/1	3/1.5	2/1
Garage (sq. ft.)	Detach. 576	No	Attach. 400	Attach. 320
Sale Date		5/05/17	5/31/2017	10/10/2017
Sale Price		\$121,500	\$129,900	\$105,000
Pos. Adjustments		Garage & brick	None	None
Neg. Adjustments		Sheds, pool & deck	Sheds	Shed, pool & deck
Adjusted Price		\$130,400	\$128,900	\$101,300
Unit Price		\$88.58/sq. ft.	\$96.48/ sq. ft.	\$126.31/sq. ft.

To quantify her adjustments, Harger used the assessed values for the components for which she was adjusting. *Harger Testimony; Resp. Ex. D-G.*

9. According to Harger, Comparable 2 was the most similar to Anderson's property, and its adjusted sale price of \$96.48/sq. ft. was the median price. She multiplied that unit value by 1,485 square feet to reach a value of \$143,273 for Anderson's property. She did the same thing using the average unit value for the three sales (\$103.79/sq. ft.) and arrived at a value of \$154,128. Both those values are above the current assessment. *Harger testimony; Resp't Exs. D-G.*
10. Although the owner of Comparable 1 made improvements to that home, those improvements would have been reflected in its assessment. In any case, Harger based her analysis on the sale price. And the home on Comparable 1 had a wood frame, which is less expensive the brick construction of the Anderson home. *Harger testimony.*

Anderson's Case:

11. Anderson contends that her home should be assessed at \$111,048. Because she did not make any improvements to the home between 2017 and 2018, she does not understand why its assessment jumped from \$112,100 to \$135,900. Anderson believes that the Assessor improperly increased the living area as well as the valuation of her land and concrete stoop. In addition, the Assessor lowered the effective age by 20 years. In fact, the Assessor changed the effective year built for all the neighborhood's homes to 1980, which Anderson views as unfair. *Anderson testimony; Pet'r Exs. 1-2.*
12. As for Harger's sales data, Anderson argued that the properties were not comparable to the Anderson property. Comparable 1 had a newer home than hers and the owner had made improvements to it. *Anderson testimony.*

## Analysis

### A. Burden of Proof

13. Generally, a taxpayer seeking review of an assessment must prove that the assessment is wrong and what the correct value should be. In certain circumstances, including where the assessment under appeal represents an increase of more than 5% over the prior year's assessment for the same property, Indiana Code § 6-1.1-15-17.2 creates an exception to the general rule and shifts the burden to the assessor to prove that the assessment is correct. Ind. Code § 6-1.1-15-17.2(a), (b). If the assessor fails to meet her burden, the assessment reverts to the previous year's level or to another amount shown by probative evidence. I.C. § 6-1.1-15-17.2(b).
14. The parties agree that the Assessor had the burden of proof because the assessment increased by more than 5% between 2017 and 2018. To the extent that Anderson requested an amount lower than the previous year's assessment, she bore the burden of proving that lower value.

### B. Discussion

15. The goal of Indiana's real property assessment system is to arrive at an assessment reflecting the property's "true tax value." 50 IAC 2.4-1-1(c); 2011 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). It is instead determined under the rules of the Department of Local Government Finance ("DLGF"). I.C. § 6-1.1-31-5(a); I.C. § 6-1.1-31-6(f). 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 by a similar user, from the property." MANUAL at 2.
16. All three standard appraisal approaches—the cost, sales-comparison, and income approaches—are appropriate for determining true tax value. MANUAL at 2. In an assessment appeal, parties may offer any evidence relevant to a property's true tax value, including appraisals prepared in accordance with generally accepted appraisal principles. *Id.* at 3; *see also Eckerling v. Wayne Twp. Ass'r*, 841 N.E.2d 674, 678 (Ind. Tax Ct. 2006) (reiterating that a market value-in-use appraisal that complies with the Uniform Standards of Professional Appraisal Practice is the most effective method for rebutting the presumption that an assessment is correct).
17. Regardless of the method used, a party must explain how its evidence relates to the relevant valuation date. *O'Donnell v. Dep't of Local Gov't Fin.*, 854 N.E.2d 90, 95; *see also Long v. Wayne Twp. Ass'r*, 821 N.E.2d 466, 471 (Ind. Tax Ct. 2005). Otherwise, the evidence lacks probative value. *Id.* For 2018 assessments, the valuation date was January 1, 2018. *See* I.C. § 6-1.1-2-1.5.

18. The Assessor relied on sales of three properties from Anderson’s neighborhood. The sales-comparison approach “estimates the total value of [a] property directly by comparing it to similar or comparable properties that have sold in the market.” MANUAL at 2. For sales-comparison evidence to be probative in an assessment appeal, the party offering it must establish the comparability of the properties being examined. Conclusory statements that a property is “similar” or “comparable” to another property do not suffice. Instead, the party 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. The party must similarly explain how relevant differences affect values. *Id.*
19. The Assessor’s sales were all from within a year of the assessment date. And Harger compared at least some relevant characteristics of the properties, such as home and lot sizes, the number of bedrooms and bathrooms, the presence or absence of a garage, and the presence or absence of certain features, such as pools, pool decks, and sheds.
20. But Harger did not compare other relevant characteristics. Similarly, while she adjusted for certain differences between Anderson’s property and her comparable properties, she did little to support those adjustments aside from saying she used assessed values. She did not explain how that method for quantifying adjustments complied with generally accepted appraisal principles. And she neither adjusted for other differences nor gave persuasive reasons for her failure to do so. Harger acknowledged that the owner of Comparable 1 had made improvements to the home, which presumably made it superior to Anderson’s home in terms of condition or effective age. The reason she gave for not adjusting the sale price to account for that difference—the home’s comparatively less expensive wood-frame construction—is inadequate. Indeed, she had already accounted for the difference between wood-frame and brick construction through a separate, positive adjustment.
21. In short, while Harger followed the basic outlines of the sales-comparison approach, she did not show that she applied generally accepted appraisal principles. The Assessor’s comparative sales data therefore lacks probative value.
22. Because the Assessor failed to meet her burden of proof, Anderson is entitled to have her 2018 assessment revert to the previous year’s level of \$112,100. Although Anderson requested an even lower value, she offered no probative evidence to support that value. She therefore failed to make a case for any further reduction.

### **Conclusion**

23. The Assessor failed to meet her burden of proving the 2018 assessment was correct. We find that the assessment must be reduced to the previous year’s level of \$112,100.

Date June 24, 2019

---

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>>.