

REPRESENTATIVE FOR PETITIONERS: Betty Sexton

REPRESENTATIVE FOR RESPONDENT: Amanda Roselle

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**BEFORE THE  
INDIANA BOARD OF TAX REVIEW**

BLS DEVELOPMENT LLC and BETTY )	Petition Nos.: 39-007-23-1-5-00531-25
SEXTON, )	39-007-23-1-5-00529-25
)	39-007-23-1-5-00530-25
Petitioner, )	
)	Parcel Nos.: 39-13-03-113-024.013-007
v. )	39-13-03-113-024.022-007
)	39-13-03-113-024.021-007
JEFFERSON COUNTY ASSESSOR, )	
)	County: Jefferson
Respondent. )	Assessment Year: 2023

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**FINAL DETERMINATION**

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

**Findings of Fact and Conclusions of Law**

**Introduction**

1. These assessment appeals involve three virtually identical homes, one of which is owned by Betty Sexton and the other two of which are owned by a limited liability company, BLS Development LLC, of which Sexton is apparently a controlling member (collectively "Sexton"). Because Sexton failed to offer probative market-based evidence to rebut the assessments, we presume the assessments equal the properties' true tax value.

## Procedural History

2. Sexton owns properties at 819, 823, and 825 West First Street in Madison. For 2023, each property was assessed at \$503,300 (\$14,800 for land and \$488,500 for improvements).
3. On June 3, 2024, Sexton filed Form 130 petitions contesting those assessments. The Jefferson County Property Tax Assessment Board of Appeals (“PTABOA”) did not schedule hearings. More than a year later, on July 21, 2025, Sexton filed Form 131 petitions for all three properties directly with us. *See* Ind. Code § 6-1.1-15-1.2(k) (permitting taxpayers to appeal directly to us if a PTABOA fails to hold a hearing or issue a determination within 180 days of the filing of the appeal).
4. On January 14, 2026, our designated administrative law judge, Joseph Stanford (“ALJ”), held a consolidated telephonic hearing on Sexton’s petitions. Neither he nor the Board inspected the subject properties. Betty Sexton and Amanda Roselle, the Jefferson County Assessor, testified under oath.
5. Sexton submitted the following exhibits:

Petitioner Exhibit 1:	Property record card (“PRC”) and two photographs for 801 West First Street,
Petitioner Exhibit 2:	PRC and photograph for 817 West First Street,
Petitioner Exhibit 3:	PRC and photograph for 112 West First Street,
Petitioner Exhibit 4:	PRC and photograph for 819 West First Street,
Petitioner Exhibit 5:	PRC and photograph for 823 West First Street,
Petitioner Exhibit 6:	PRC and photograph for 825 West First Street,
Petitioner Exhibit 7:	Photograph showing multiple properties,
Petitioner Exhibit 8:	Price quote for elevators.
6. The Assessor submitted the following exhibits:

Respondent Exhibit 1:	PRC for 823 West First Street,
Respondent Exhibit 1(a):	Photograph of 823 West First Street,
Respondent Exhibit 2:	PRC for 819 West First Street,
Respondent Exhibit 2(a):	Photograph of 819 West First Street,
Respondent Exhibit 3:	PRC for 825 West First Street,

- Respondent Exhibit 3(a): Photograph of 825 West First Street,  
Respondent Exhibit 4: Appendix B, page 6 of Real Property Assessment Guidelines,  
Respondent Exhibit 5: Appendix A, page 16 of Real Property Assessment Guidelines,  
Respondent Exhibit 5(a): Appendix A, page 17 of Real Property Assessment Guidelines,  
Respondent Exhibit 6: (a-b) Information from Stiltz Trio Home Lift website, (c-d) Assessment software pricing options for residential elevators.

7. The record also includes the following: (1) all petitions or other documents filed in these appeals, (2) all notices and orders issued by the Board or the ALJ, and (3) an audio recording of the hearing.

### **Findings of Fact**

8. The subject properties include virtually identical two-story homes with 3,148 square feet of finished area. They sit side by side on nearly identically sized lots along West First Street in Madison's Historic District. Because the homes were still under construction on January 1, 2022, they were assessed as partially complete, and each property was assigned a value of \$140,200 for that year. Construction was completed by 2023, and the assessments increased to \$503,300. *Betty Sexton, Roselle testimony; Pet'r Exs. 4-7; Resp't Exs. 1-3.*
9. Each home has a two-stop elevator with a 485-pound capacity. Sexton provided a quote for the elevators for \$79,065 (\$26,355 apiece), including shipping and installation. The Assessor, however, used pricing options from her residential cost schedule to value each elevator's component replacement cost. The schedule computes costs based on weight capacity and the number of stops. The Assessor used the replacement cost for a three-stop elevator with a 500-pound capacity (the closest option), which was \$40,000. *Betty Sexton, Roselle testimony; Pet'r Ex. 8; Resp't Ex. 6.*

10. The subject properties are assigned to an assessment neighborhood known as Madison Historic District 3. In determining depreciated replacement costs for the homes under the Department of Local Government Finance's assessment guidelines the Assessor used a quality grade of "A" and a condition rating of "Excellent." *Betty Sexton testimony; Pet'r Exs. 4-6; Resp't Exs. 1-3.*
11. Sexton offered property record cards for three other homes on West First Street:
- **801 West First Street.** At 6,078 square feet, this is the largest newly built home in Madison's historic district. The home was assessed with a quality grade of "B" and a condition rating of "Good."
  - **817 West First Street.** This property is owned by Madison's ex-Mayor. It is not part of the same assessment neighborhood as the subject properties. The home is 4,545 square feet, and it was assessed with a quality grade of "C+2" and a condition rating of "Good."
  - **112 West First Street.** Like 817 West First Street, this property is not included in the same assessment neighborhood as the subject properties. The home is 2,943 square feet, and it was assessed with a quality grade of "C+2" and a condition rating of "Excellent."

*Betty Sexton testimony; Pet'r Exs. 1-3.*

### Conclusions of Law

#### A. Sexton had the burden of proving the properties' true tax values.

12. Generally, a taxpayer has the burden of proof when challenging a property's 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" unless and until rebutted by probative evidence that is sufficient to determine the property's value. I.C. § 6-1.1-15-20(a), (f) (effective March 21, 2022).

13. 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). In those appeals, 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.* But the burden does not shift "if the increase in the assessment under appeal is based on substantial renovations or new improvements." I.C. § 6-1.1-15-20(d)(1).
14. While the subject properties' assessments increased by more than 5% between 2022 and 2023, the increase was based on new improvements: completion of the homes' construction. The burden therefore does not shift to the Assessor, and we must start with the rebuttable presumption that the appealed assessments equal the properties' true tax values.

**B. Because the totality of the evidence does not suffice to determine the properties' true tax values, we must presume that their values are equal to their assessments.**

15. We are the trier of fact in property tax appeals, and our 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 us. I.C. § 6-1.1-15-20(f). Our conclusion "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).
16. 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 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." 2021 REAL PROPERTY ASSESSMENT MANUAL at 2.

17. To meet its burden of proof, a party “must present objectively verifiable, market-based evidence” of the property's value. *Piotrowski v. Shelby Cnty. Ass'r*, 177 N.E.3d 127, 132 (Ind. Tax Ct. 2021) (citation omitted). For most real property types, neither the taxpayer nor the assessor may rely on the mass appraisal “methodology” of the “assessment regulations.” *P/A Builders & Dev., LLC v. Jennings Cnty. Ass'r*, 842 N.E.2d 899, 900 (Ind. Tax Ct. 2006) *review denied*. This is because the “formalistic application” of the procedures and schedules from the DLGF’s assessment guidelines lacks the market-based evidence necessary to establish a specific property’s market value-in-use. *Piotrowski*, 177 N.E.3d at 133.
18. 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 Cnty. Ass'r*, 119 N.E.3d 1152, 1156 (Ind. Tax Ct. 2019) (citation and internal quotation marks omitted). Finally, the evidence must reliably indicate the property’s value as of the valuation date. *O'Donnell v. Dep't of Loc. Gov't. Fin.*, 854 N.E.2d 90, 95 (Ind. Tax Ct. 2006). For 2023 assessments, the valuation date was January 1, 2023. I.C. § 6-1.1-2-1.5(a); 50 Ind. Admin. Code 27-5-2.
19. Because the assessments are presumed to reflect the properties’ true tax values, the burden is on Sexton to offer market-based evidence to rebut this presumption. . At most, Sexton offered an invoice showing the cost for one component of the homes: the elevators. That is far from sufficient to show the properties’ overall values. While the Assessor acknowledged that she used the price for a three-stop elevator instead of a two-stop elevator, simply correcting an error in applying the DLGF’s mass-appraisal

guidelines does not relieve Sexton's burden to offer market-based evidence of the properties' true tax value.

20. That last point also applies to Sexton's evidence comparing the quality grades and condition ratings for three other properties on West First Street to the subject properties' grades and condition ratings.<sup>1</sup> That evidence simply goes to how the Assessor applied the DLGF's guidelines.
21. Because Sexton failed to offer any probative market-based evidence to demonstrate the subject properties' true tax values, we must presume that their values are equal to their assessments.

**C. Sexton did not prove it was entitled to relief based on a lack of uniformity and equality in assessments.**

22. Sexton argued that the subject properties were not treated fairly when compared to the other properties on West First Street. In making that argument, Sexton may have been seeking relief under our state constitution's property taxation clause based on an alleged lack of uniformity and equality in assessment. *See* IND. CONST. ART. 10 § 1(a) (requiring the Indiana General Assembly to "provide by law for a uniform rate of assessment and taxation[.]"). Indiana Code § 6-1.1-15-20 does not apply to such claims, and Sexton had the burden of proving its claim by a preponderance of the evidence. *See Thorsness v. Porter Cnty. Ass'r*, 3 N.E.3d 49, 52 (Ind. Tax Ct. 2014) (holding that predecessor to I.C. § 6-1.1-15-20 did not apply to claims alleging a lack of uniformity and equality); *see also*, I.C. § 6-1.1-15-4(j) (providing that our findings must be based on a preponderance of the evidence).

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<sup>1</sup> Sexton also pointed to the "Quality and Design Factor" used to assess each home. *See Betty Sexton testimony; Pet'r Exs. 1-6*. That factor is simply a multiplier that an assessor applies to the base price for a dwelling. It is based on the quality grade: the higher the grade, the higher the multiplier. *See* 2021 REAL PROPERTY ASSESSMENT GUIDELINES ch. 2 at 52, Appendix C at schedule F.

23. Under the property taxation clause, taxpayers are entitled to a uniform rate of assessment, which is measured against the external benchmark of market value-in-use. *Westfield Golf Practice Ctr., LLC v. Washington Twp. Ass'r*, 859 N.E.2d 396, 399 (Ind. Tax Ct. 2007). But Sexton did not demonstrate the market value-in-use for the subject properties or for any of the purportedly comparable properties Sexton claims were more favorably assessed. Sexton therefore failed to prove that the subject properties were assessed and taxed at a different rate than other properties. *See Westfield Golf*, 859 N.E.2d at 399 (holding that taxpayer failed to prove its assessment violated the property taxation clause where it did not show the market value-in-use for its property or for any comparable properties).


**D. Sexton's remedy for the PTABOA failing to schedule a hearing was to appeal directly to us.**

24. Finally, Sexton argued that it was treated unfairly when the PTABOA failed to schedule a hearing on Sexton's appeals. As the Assessor pointed out, however, Sexton's remedy was to bypass the PTABOA and appeal directly to us, which it did. I.C. § 6-1.1-15-1.2(k). Indeed, it is unclear what further remedy Sexton believes it was entitled to.

**Conclusion**

25. We find for the Assessor. We order no change to the subject properties' assessed values. But we order the Assessor to correct the property record cards to reflect that each home's elevator has two—rather than three—stops.

Date: APRIL 10, 2026

  
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Chairman, Indiana Board of Tax Review

  
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Commissioner, Indiana Board of Tax Review

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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 of 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>>.