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

Petition:	**45-036-24-1-5-00657-25**
Petitioner:	**Mateusz Banka**
Respondent:	**Lake County Assessor**
Parcel:	**45-11-20-128-034.000-036**
Assessment Year:	**2024**

The Indiana Board of Tax Review issues this determination, finding and concluding as follows:

Procedural History

1. Mateusz Banka ("Banka") appealed the subject property's 2024 assessment. On September 11, 2025, the Lake County Property Tax Assessment Board of Appeals ("PTABOA") determined the following value for the property:

Land	**Improvements**	**Total**
$72,600	$339,400	$412,000

2. Banka timely appealed the PTABOA's determination to us. He elected our small claims procedures. The Assessor did not request transfer to the standard docket.

3. On May 14, 2026, our designated administrative law judge, Jeremy Eglen ("ALJ"), held a telephonic hearing on Banka's petition. Neither he nor the Board inspected the property. Banka appeared on his own behalf. Ricardo Hall and Ayn Engle appeared as counsel for the Assessor.

4. The following people testified under oath: Banka, and John Yanek, a Certified Level 3 Assessor-Appraiser and Certified Tax Representative who consults for the Assessor.

Record

5. The official record for this matter includes the following exhibits admitted into evidence:

Banka's Exhibit

Exhibit 1	First pages of 2024 property record cards ("PRCs") for six properties (2505 Saratoga and 1206, 1212, 1200, 1211, & 1224 Oriskany)

Assessor's Exhibit

Exhibit A	Six Complete 2024 PRCs (2505 Saratoga and 1206, 1212, 1200, 1211, & 1224 Oriskany)

6. The official record for this matter also includes: (1) all petitions and other documents filed in this appeal, (2) all notices and orders issued by the Board or the ALJ, and (3) an audio recording of the hearing.[1]

Findings of Fact

7. The subject property is located at 1206 Oriskany Drive in Schererville. It contains a 2,222-square-foot two-story home with a partially finished basement. The home was built in 2002. The property also has a small shed. *Ex. A.*

8. Banka bought the property for $390,000 in 2021. He paid $20,000 over the listing price because his family wished to avoid COVID-related educational restrictions in Illinois. There is no evidence to relate the sale price to the property's value as of the January 1, 2024, assessment date. *Ex. A; Banka testimony.*

9. The property's assessment increased by 39% between 2021 and 2024. But it increased by only 4.2% between 2023 and 2024, rising from $395,300 to $412,000. *Ex. A.*

10. Banka compared the increase in the subject property's assessment between 2021 and 2024 to the increases for five nearby properties during the same period. The assessments for those five properties increased by an average of roughly 13%. Because we have only the 2024 property record cards, however, there is no evidence showing the bases for the increases to any of the assessments. *Banka testimony; Yanek testimony; Exs. 1, A.*

11. The record similarly contains no market-based evidence to show the market value-in-use for any of the five nearby properties. There are also many differences between the physical characteristics of those properties and the subject property's characteristics, including differences in the effective ages and quality grades for the homes, the lot sizes, and the presence of amenities, such as swimming pools. Banka did not explain how any of the differences affected the properties' relative values. *Yanek testimony; Ex. A.*

Conclusions of Law and Analysis

12. Banka raises two claims. First, he contests the subject property's assessed value. Second, he claims that it is assessed unfairly compared to nearby properties. He therefore asks us to reduce the subject property's assessment to an amount equaling an increase of 15% over its 2021 assessment, which roughly corresponds to the average increase for the nearby properties. We construe this as a request for an equalization adjustment based on a lack of uniformity and equality in assessments. We will address his valuation claim first.

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[1] The hearing started approximately 30 minutes late due to technical difficulties with the recording. Neither party expressed any concern about having insufficient time to present. We appreciate their patience.

A. Banka failed to prove his valuation claim.

1. <u>We begin with the rebuttable presumption that the subject property's assessment equals its true tax value.</u>

13. 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." Ind. Code § 6-1.1-15-20(a) (eff. Mar. 21, 2022). If the totality of the evidence does not suffice to prove the property's true tax value, the presumption holds. I.C. § 6-1.1-15-20(f).

14. 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." I.C. § 6-1.1-15-20(b). If the burden has shifted, and "the totality of the evidence presented to the [B]oard 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).

15. Banka argues that the Assessor should have the burden of proof because the subject property's assessment increased by 39% between 2021 and 2024. But that is not the relevant period to consider. Instead, the question is whether the assessment increased by more than 5% between 2023 and 2024. Because it increased by only 4.2% during that interval, we must presume the assessment equals the property's true tax value, unless rebutted by probative evidence that demonstrates a different value.

2. <u>The initial presumption was not rebutted by probative market-based evidence.</u>

16. 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).

17. True tax value does not mean "fair market value" or "the value of the property to the user." Ind. Code § 6-1.1-31-6(c), (e) (2024). For non-agricultural property types, the Department of Local Government Finance ("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 (incorporated by reference at Ind. Admin. Code 2.4-1-2(a) (2020)) at 2.

18. To meet its burden of proof, a party "must present objectively verifiable, market-based evidence" of a property's value. *Piotrowski BK #5643, LLC 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.

19. 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 the 2024 assessment year, the valuation date was January 1, 2024. Ind. Code § 6-1.1-2-1.5(a) (2024); 50 Ind. Admin. Code 27-5-2(c).

20. The only market-based evidence either party offered was the subject property's sale price from 2021. But neither party offered anything to explain how that sale price related to the property's value as of the January 1, 2024, valuation date. The sale price therefore does not suffice to demonstrate the property's true tax value. The same is true for the raw assessment data for the five nearby properties Banka identified. Banka did not explain how relevant differences between the five purportedly comparable properties and the subject property affected their relative values. *See Long v. Wayne Twp. Ass'r,* 821 N.E.2d 466, 471 (Ind. Tax Ct. 2005) (holding that taxpayers' sales data lacked probative value because they did not explain how the characteristics of their property compared to purportedly comparable properties or how any difference affected their relative values).

21. Because the parties did not offer probative market-based evidence to establish a different value, we must presume that the subject property's assessment equals its true tax value.

B. Banka failed to prove a lack of uniformity and equality in assessment.

22. Banka similarly failed to prove that he is entitled to an adjustment of the subject property's assessment based on a lack of uniformity and equality. The Indiana Constitution's Property Taxation Clause requires the General Assembly to "provide, by law, for a uniform rate of assessment and taxation[.]" Ind. Const. Art. 10 § 1(a). Under Indiana's current assessment regime, there is no requirement that uniform procedures or methodologies be used to arrive at that rate. *Westfield Golf Prac. Ctr., LLC v. Washington Twp. Ass'r,* 859 N.E.2d 396, 399 (Ind. Tax Ct. 2007). Instead,

the rate of assessment is measured against the external benchmark of market value-in-use. *Id.*

23. Thus, Banka needed to show that the subject property's assessment did not bear the same relationship to its market value-in-use as other properties within the same township. *Indianapolis Racquet Club, Inc. v. Marion Cnty. Ass'r*, 15 N.E.3d 150, 156 (Ind. Tax Ct. 2014). But he did not show the market value-in-use for the subject property or for any other properties, let alone the relationship between them. He instead relied on a purely methodological claim: that the subject property's assessment increased at a higher rate between 2021 and 2024 than did the assessments of five nearby properties. He therefore failed to prove a lack of uniformity and equality in assessment. *See Westfield Golf*, 859 N.E.2d at 399 (holding that taxpayer failed to prove its assessment violated the property taxation clause where it focused solely on methodology and did not show the market value-in-use for its property or for any comparable properties). In any case, pointing to assessments going back to 2021 has little bearing on an appeal of the 2024 assessment year. As the Tax Court has long held, each tax year stands alone. *Garrett LLC v. Noble Cnty. Ass'r*, 112 N.E.3d 1168, 1175 (Ind. Tax Ct. 2018).

Conclusion

24. Banka failed to prove that the subject property was assessed for more than its true tax value or that he was entitled to an adjustment based on a lack of uniformity and equality in assessments. We therefore find for the Assessor and order no change to the assessment.

DATE: AUGUST 12, 2026

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 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>.