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

Petition:	**15-003-25-1-5-00709-25**
Petitioner:	**Lisa Barker**
Respondent:	**Dearborn County Assessor**
Parcel:	**15-07-31-203-002.000-003**
Assessment Year:	**2025**

PROCEDURAL HISTORY

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

1. On June 16, 2025, Lisa Barker filed a Form 130 petition contesting her property's 2025 assessment. On September 30, 2025, the Dearborn County Property Tax Assessment Board of Appeals upheld the assessment of $49,500 ($7,500 for land and $42,000 for improvements).

2. Barker then appealed to us by filing a Form 131 petition on November 14, 2025. She elected our procedures for small claims. Barker requested an assessment of $6,050: $50 for land and $6,000 for improvements.

3. On April 30, 2026, our designated administrative law judge, Jeremy Eglen ("ALJ"), held a telephonic hearing on Barker's petition. Neither he nor the Board inspected the subject property.

4. Barker appeared on her own behalf. Andrew Baudendistel appeared as counsel for the Assessor. The following people testified under oath: Barker, Dearborn County Assessor Megan Acra, and Jeff Thomas, a certified appraiser.

RECORD

5. Barker offered the following exhibits:[1]

Exhibits 1-9	Photographs of the interior and exterior of the Property
Exhibits 10-31	Photographs of the immediate neighborhood around the Property
Exhibits 32-42	Photographs of the interior of the Property
Exhibits 42-46	Photographs of the exterior of the Property
Exhibits 47-50	Photographs of the cellar at the Property

[1] On the morning of the hearing, Barker submitted 48 unmarked photographs through POPLAR, our online docket and electronic filing system. Those were in addition to nine unmarked photographs that she had previously uploaded. Our ALJ labeled the photographs numerically as Exhibits 1-57 in a single PDF file, which he emailed to the parties. The parties did not object to this procedure.

Exhibits 51-57	Photographs of the interior and exterior of the Property
Exhibit 58	April 30, 2026, Letter from Aurora Utilities
Exhibit 59	Beacon illustration of 500 year floodplain
Exhibit 60	Beacon illustration of Property location
Exhibit 61	Comparable properties from Beacon

6. The Assessor offered the following exhibit:

Exhibit A	Appraisal of the Property by Jeff Thomas

7. 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.

OBJECTIONS

8. The Assessor made several objections, two of which the ALJ took under advisement. First, the Assessor objected to the admission of Exhibit 58—a letter from Aurora Utilities with an unsigned signature block for someone named Nicole Eaglin. The letter indicates that Eaglin is unaware of any utilities at the subject property. The Assessor objected based on a lack of foundation because Eaglin was not present to testify, which we interpret as an objection that Barker did not lay a foundation to admit the letter under an exception to the hearsay rule.

9. We overrule the objection. While we may admit hearsay, we cannot base our determination solely on hearsay that does not fall within a recognized exception to the hearsay rule. 52 IND. ADMIN. CODE 4-6-9(d) (2026). Although Barker did not lay a foundation for admitting the letter under any exception to the hearsay rule, we do not rely solely on the letter in deciding the appeal.

10. Second, the Assessor objected to the admission of Exhibit 61, comparable properties from Beacon, because Barker did not disclose it before the hearing. We overrule the objection. Under our small claims procedures, the parties are required to exchange evidence before a hearing only if such an exchange is requested by any party at least 10 days before the hearing. 52 IND. ADMIN. CODE 4-8-2 (2026). The Assessor did not show that she made such a request.

FINDINGS OF FACT

A. The subject property

11. The subject property is located at 169 Franklin Street in Aurora. Barker, who is a licensed real estate broker and who, with her husband, buys and renovates homes for

resale,[2] bought the property through tax sale for $12,500 and received title in November 2024. She did not know that a squatter had substantially damaged the home. *Barker testimony; Ex. A at property record card.*

12. As illustrated below, the property is landlocked, without direct access to a public street. Barker Adventure Corp. owns all the surrounding land.

Barker and her husband own Barker Adventure Corp. But Barker agreed that she controls all the land surrounding the subject property. *Barker testimony; Thomas testimony; Ex. 60.*[3]

13. The property is within a 500-year floodplain established by the Federal Emergency Management Agency ("FEMA"). FEMA does not require flood insurance for properties located within a 500-year floodplain. *Barker testimony, Thomas testimony; Exs. 59, A.*

14. The subject property is zoned residential and has been used as a residence in the past. The home was approximately 76 years old on the assessment date. It is uninhabitable in its present condition. It doesn't have running water, heat, or electricity, although it had water and electricity at some point in the past and utilities are available at the

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[2] Barker testified "my husband and I, we do flips. Well, we don't really do flips. What we do is we buy the homes and we fix them up so that they will be ready for sale when they are finished and ready to then turn over to somebody else." *Barker testimony.*

[3] The aerial photograph and parcel lines are from Exhibit 60. We have added the descriptors. *Ex. 60.*

nearest street. There are no longer any interior walls or ceilings, and carpeting and some subfloors have been removed. *Acra testimony; Barker testimony; Thomas testimony; Exs. 1-4, 32-42, 53-57.*

15. Barker stores items in the home and believes it should be assessed as a "storage or accessory building." But the removal of internal components is consistent with the beginnings of a complete renovation, as is the fact that Barker and her husband flip homes. We therefore find that, for purposes of Indiana's property tax statutes and regulations, the subject property's current use is as a residential property held for renovation and resale. *Acra testimony; Barker testimony; Thomas testimony; Exs. 1-4, 32-42, 53-57.*

16. In 2024, the property was assessed at $47,800. The assessment increased by approximately 3.6% for 2025. *Ex. A at property record card.*

B. Thomas' appraisal

17. The Assessor hired Jeff Thomas, a certified general appraiser with 41 years of experience, to appraise the subject property. He prepared an appraisal, estimating the property's market value as of January 1, 2025. He certified that he prepared the appraisal in accordance with the Uniform Standards of Professional Appraisal Practice ("USPAP"). *Thomas testimony; Ex. A.*

18. Thomas did a "walk-around" appraisal without inspecting the home's interior, which he explained is consistent with standard practice in the appraisal profession. Based on his exterior inspection, Thomas rated the home's condition as C6, or "poor," which is the lowest condition rating available and means that the home was not habitable. He therefore assumed that it needed to be gutted. *Thomas testimony; Ex. A.*

19. Because the roofline was "pretty good," Thomas concluded that there were no imminent structural defects and that the home would likely be renovated rather than torn down. The interior photographs that Barker offered confirmed his conclusion: removing things like drywall, subflooring, and carpeting is the first step in a renovation. *Thomas testimony; Ex. A.*

20. Thomas developed two generally accepted appraisal methodologies: the cost and sales comparison approaches. Under the cost approach, he valued the land at $8,500, the depreciated replacement cost of the improvements at $12,245, and the "as is" cost of the site improvements at $4,000, for a total of $24,745. *Thomas testimony; Ex. A.*

21. For his sales comparison analysis, Thomas identified three properties that were in similarly poor condition as the subject property. Two of the homes were 126 years old and the third was 44 years old. They sold for unadjusted prices ranging from $20,000 to $35,000. Thomas adjusted their sale prices to account for differences between the characteristics of the comparable properties and those of the subject

property. The adjusted prices ranged from $23,340 to $25,580, which Thomas reconciled to a value of $24,000 for the subject property. *Thomas testimony; Ex. A.*

22. He gave the greatest weight to his conclusions under the sales comparison approach and estimated the subject property's market value at $24,000. *Ex. A.*

23. Thomas knew the property was landlocked when he appraised it, and his valuation opinion would have been higher if that were not the case. But he disagreed that the property was unmarketable, explaining that an easement across the surrounding properties owned by Barker Adventure Corp. and controlled by Barker could easily be granted to provide the subject property with road access. We credit Thomas' testimony and find that the property was marketable. *Thomas testimony.*

24. Thomas similarly disagreed that the property's location in a 500-year floodplain affected its marketability or value, noting the lack of a requirement for flood insurance and that all downtown Lawrenceburg is within a 500-year floodplain. Once again, we credit Thomas' opinion and find that the property's location within the floodplain did not affect its value. *Thomas testimony.*

25. We find that Thomas' valuation opinion suffices to prove the subject property's market value-in-use. He complied with USPAP and based his opinion on generally accepted valuation approaches. He relied on market data and chose appropriate substitutes for the subject property in his sales comparison analysis. He then credibly adjusted their sale prices to account for relevant differences between his comparable properties and the subject property.

C. Sales information for other properties

26. Barker offered a "report" compiling information from the Assessor's Beacon website for four properties that she claimed were comparable to the subject property. This information included property types, acreage for three parcels, and the total square footage for two residences. The report also includes detailed sale prices for three properties sold between 1999 and 2019. But no evidence related these sale prices to the properties' values as of January 1, 2025, assessment date. Moreover, there was no evidence regarding the number of bedrooms or bathrooms in the residences. Barker herself described the report as "shady" because of how old the sale dates were. And she did not explain how relevant differences between those properties and the subject property affected their relative values. We therefore find that the raw data for the four properties does not suffice to show the subject property's market value-in-use. *Barker testimony; Ex. 61.*

CONCLUSIONS OF LAW AND ANALYSIS

A. There is a rebuttable presumption that the subject property's assessment equaled its true tax value.

27. 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).

28. 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).

29. The assessment increased by only 3.6% between 2024 and 2025. We must therefore presume the appealed assessment reflected the property's true tax value unless rebutted by probative evidence sufficient to establish a different value.

B. The totality of the evidence demonstrates that the subject property's true tax value was $24,000.

30. 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." I.C. § 6-1.1-15-20(f). 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).

31. 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) (2025). Instead, it is determined under the rules of the Department of Local Government Finance ("DLGF"). IND. CODE § 6-1.1-31-5(a) (2025); I.C. § 6-1.1- 31-6(f). For non-agricultural property types, 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 (incorporated by reference at 50 IND. ADMIN. CODE 2-4-1.2 (2020)) at 2.

32. 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.

33. 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 2025 assessments, the valuation date was January 1, 2025. IND. CODE § 6-1.1-2-1.5(a) (2025); 50 IND. ADMIN. CODE 27-5-2(c) (2025).

34. Here, the totality of the evidence rebuts the presumption that the subject property's assessment equaled its true tax value and instead shows that its true tax value was $24,000—the amount Thomas estimated in his appraisal. As explained in our findings of fact, Thomas based his valuation opinion on market data, including sales of appropriate substitutes for the subject property. And he complied with generally accepted appraisal principles in analyzing that market data and reaching his valuation opinion.

35. Barker attacked the appraisal on three main grounds: (1) that the home is uninhabitable, (2) that the property is landlocked, and (3) that it sits within a 500-year floodplain. But Thomas accounted for the home's condition by choosing sales of comparable homes that were in similarly poor condition. He likewise took the property's lack of access into account and explained that he would have concluded to a higher value if the property was not landlocked. In any case, the property was still marketable. Finally, we credit Thomas' conclusion that the property's location within a 500-year floodplain did not materially affect its market value.

36. Barker did not offer market-based evidence that sufficed to support a different value. She instead made three main arguments as to why she believed the property was assessed too high:

- The home is unmarketable because it is uninhabitable and landlocked.
- She paid only $12,500 to acquire the property at tax sale.
- The property should be assessed as a "storage or accessory building."

37. We have already found that the property was marketable. Regardless, while the home's condition and the fact that the property is landlocked are relevant, those facts do not, by themselves, demonstrate the property's value, much less support the value Barker requested.

38. As for the price Barker paid to acquire the property, tax sales, like other forced sales, generally do not serve as good indicators of a property's market value-in-use. *See Young v. Dep't of Loc. Gov't Fin.*, Case No. 25T-TA-00006, 2026 WL 1703076 at *6 (Ind. Tax Ct. June 12, 2026) ("Tax sales occur when property is sold to satisfy [a] tax debt and are not necessarily reflective of a property's market value-in-use.") (citations omitted), *pet. for review filed*. Instead, "usually by risking pennies on the dollar relative to the fair-market value of the land, [a] tax-sale purchaser obtains a legal right to later seek a deed to the land—*if* the tax-sale purchaser complies with the requirements set forth in . . . the tax-sale statutes." *Jenner v. Bloomington Cellular Servs., Inc.*, 77 N.E.3d 1232, 1237 (Ind. Ct. App. 2017) (citation omitted), *trans. denied*. Barker did not offer any evidence to overcome these general presumptions. We therefore find that the price Barker paid to acquire the subject property does not demonstrate its true tax value.

39. Turning to Barker's last point, we recognize that the subject home is currently uninhabitable and that she stores items there. But as we have already explained, we find that the property's current use is as a residential property held for renovation and resale. In any case, Barker did not offer any market-based evidence to show the property's value as a "storage or accessory building."

40. Finally, although Barker offered sales and assessment information for four purportedly comparable properties from the Assessor's Beacon website, that raw data lacks probative weight. Barker herself did not even rely on that data, referring to it as "shady" because of how remote the sale dates were from the valuation date.

CONCLUSION

41. Because the totality of the evidence demonstrates that the subject property's true tax value was $24,000 as of January 1, 2025, we order the assessment changed to that amount.

DATE: July 27, 2026

Jonathan R. Elrod
Chairman, Indiana Board of Tax Review

Timothy Schultz
Commissioner, Indiana Board of Tax Review

Brandee A. Charron
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>.