REPRESENTATIVE FOR PETITIONER: John Ciurkot, *pro se*

REPRESENTATIVES FOR RESPONDENT: Ayn Engle and Ricardo Hall, attorneys

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BEFORE THE
INDIANA BOARD OF TAX REVIEW

John Ciurkot,	)	Petition No.: 45-035-24-1-5-00708-25
	)	
Petitioner,	)	Parcel No.: 45-11-28-329-009.000-035
	)	
v.	)	County: Lake
	)	
Lake County Assessor,	)	Assessment Year: 2024
	)	
Respondent.	)	

FINAL DETERMINATION

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

INTRODUCTION

1. John Ciurkot challenged his property's 2024 assessment on several grounds: that it violated Indiana Code § 6-1.1-13-13, that it exceeded his property's value, and that it was not uniform and equal compared to the assessments for other properties in his neighborhood. Ciurkot failed to prove that Indiana Code § 6-1.1-13-13 applied to the 2024 assessment. However, we find that an appraisal from Ciurkot's expert establishes the market value-in-use of the property by a preponderance of the evidence.

PROCEDURAL HISTORY

2. Ciurkot appealed his property's 2024 assessment to the Lake County Assessor. On October 15, 2025, the Lake County Property Tax Assessment Board of Appeals ("PTABOA") denied Ciurkot's appeal and determined the following value for the property:

Land	Improvements	Total
$134,200	$850,200	$984,400

3. Ciurkot timely appealed the PTABOA's determination to us. On April 1, 2026, our designated administrative law judge, Erik Jones ("ALJ"), held a telephonic hearing on Ciurkot's appeal. Neither he nor the Board inspected the property.

4. The following people testified under oath: Ciurkot; Jolie Covaciu, a level 3 certified assessor-appraiser who acts as a consultant for the Assessor; and William Eenshuistra, a certified general appraiser.

RECORD

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

Ciurkot's Exhibits

Exhibit 1	Exhibit list; 2024 property record card ("PRC") for the subject property; PRCs for 8 parcels on the subject property's street
Exhibit 2	2024 Appraisal by Susan M. Pearson, Certified Residential Appraiser
Exhibit 3	2023 PRC for the subject property
Exhibit 4	2022 PRC for the subject property
Exhibit 5	2022 Appraisal by Eenshuistra
Exhibit 6	2023 Appraisal by Pearson
Exhibit 7	PRCs of parcels used in 2024 Pearson Appraisal
Exhibit 8	Indiana Code Chapter 6-1.1-13
Exhibit 9	Realtor.com listing for neighboring parcel
Exhibit 10	2024 PRC for another property with an indoor pool
Exhibit 11	2024 & 2023 PRCs for parcels on subject property's street

The Assessor's Exhibits:

Exhibit A	2024 Appraisal by Eenshuistra
Exhibit B	Qualifications of Eenshuistra

6. Because he is not a native English speaker, Ciurkot asked to use the "Read Aloud" text-to-speech function of Microsoft Word to read his opening statement into the record. The ALJ denied Ciurkot's request but advised him that:

   - If he wanted a translator, we would continue the hearing and provide one; and
   - He could submit his opening and closing statements in writing.

   Ciurkot declined a translator or continuance but did provide his opening and closing statements in writing. We include his written submissions in the record.[1]

7. Finally, 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 hearsay objections to the first page of Exhibit 9, a *realtor.com* listing for a neighboring property, and to Exhibit 10, a PRC for a property with an indoor pool. The ALJ took the objections under advisement, and we now overrule them. Our procedural rules allow us to admit hearsay, with the caveat that if it is objected to and does not fall within a recognized exception to the hearsay rule, we cannot base our determination of the appeal solely on that hearsay. 52 IND. ADMIN. CODE 4-6-9 (repealed 2026). We do not rely on either of the exhibits at issue in reaching our determination.

9. Ciurkot objected to Exhibit A—an appraisal report for the subject property prepared by William Eenshuistra, Jr.—on the following grounds: (1) the report indicates that it was prepared for use by the PTABOA rather than the Board, (2) it includes sales from 2022 that are too far removed from the 2024 assessment date under appeal, and (3) it

[1] Ciurkot stated that he can understand English. We find his testimony was clear and comprehensible and that he was able to fully participate in the hearing.

contains erroneous information about the subject property. The ALJ took the objection under advisement.

10. We overrule the objection. Ciurkot did not cite any authority for the proposition that an appraisal report listing one quasi-judicial tribunal (the PTABOA) as an intended user prohibits a different quasi-judicial tribunal (the Board) from considering the report as evidence. In any case, the report also lists its intended use as being "to assist the client in establishing Market-Value-In-Use for tax appeal purposes[,]" which is the purpose for which the Assessor offered the appraisal. As to Ciurkot's other grounds, they go to the weight we should afford Eenshuistra's valuation opinion rather than to the admissibility of his appraisal report.

FINDINGS OF FACT

A. The subject property and its assessment history

11. The subject property is located at 10272 Whitewater Crossing in Saint John. It is in the Lake Hills subdivision, which contains Golf Lake. Ciurkot built a two-story home on the property in 2018, making it one of the newer homes in the immediate area. The property is adjacent to the lake, with walking-trail access on a sloping lot. But it does not have a direct view of the lake. *Ciurkot testimony*; *Exs. 1-2*.

12. The home has more than 4,300 square feet of above-grade living area as well as a mostly finished basement. The basement has an indoor pool, which includes a hot tub. There's conflicting evidence about the size of the subject site. The PRC lists the site's area as .34 acres (14,810 square feet). An appraisal report from Susan Pearson lists the area as 14,680 square feet, while Eenshuistra measured the site at 15,746 square feet using a tool from GIS. We credit Eenshuistra's measurements and find that the site is 15,746 square feet. *Ciurkot testimony; Eenshuistra testimony; Exs. A, C, 2.*

13. Ciurkot appealed the property's assessment each year from 2022 through 2024. In 2022, the property was originally assessed for $977,500, but the assessment was

reduced after Ciurkot filed an appeal. The Assessor increased the value to $965,100 for 2023, which Ciurkot again appealed. Ciurkot did not offer any details about his 2023 appeal, other than that the property's assessment was reduced to $953,100. But the Assessor's consultant, Jolie Covaciu, testified that Ciurkot agreed to the reduced value at the PTABOA hearing. Ciurkot did not rebut her testimony. We credit Covaciu's testimony and find that the reduction in value was the result of a settlement. *Exs. A, 3-4; Covaciu testimony.*

14. In 2024, the Assessor increased the assessment by 3.28% to $984,400, which equaled the average increase for Lake County properties. *Exs. 4-5; Covaciu testimony.*

15. In his written closing statement, Ciurkot claimed that the Assessor increased the subject property's value "during a period during which state law **IC 6-1.1-13-13** prohibits such increases." *Pet'r Closing Statement (emphasis in original).* He made a similar claim in his opening statement, saying that the statute prohibited the Assessor from increasing the subject property's assessment until the next four-year cycle, making the increase between 2023 and 2024 "contrary to statute." *Pet'r Opening Statement.* But he did not testify that 2023 and 2024 were part of the same four-year reassessment cycle, much less identify any underlying support for that proposition. Significantly, he did not offer any reassessment plans submitted by the Assessor to the PTABOA under Indiana Code § 6-1.1-4-4.2.

B. Assessments of other properties

16. There are 269 tax parcels in the subject property's assessment neighborhood. The Assessor used 17 valid sales in her 2024 ratio study for the neighborhood. *Covaciu testimony.*

17. Ciurkot primarily claimed that the subject property's assessment was unfair and violated Indiana Code § 6-1.1-4-13 because the Assessor applied a different market factor to the subject property than she applied to other Lake Hills properties.

18. In support of those claims, Ciurkot offered a spreadsheet and property record cards with assessment data for the subject property and a string of eight neighboring properties along Whitewater Crossing. The properties' assessments increased from 1.54% to 3.28% between 2023 and 2024, with an average increase of 1.75%. For 2024, all nine properties had a neighborhood factor of 1.15. But the Assessor applied a market factor of 1.30 to the neighboring properties' land and 1.0 to the homes, while she applied a market factor of 1.0 to the subject property's land and 1.122 to its home. *Ciurkot testimony; Covaciu testimony; Exs.1, 11.*

19. Ciurkot also offered PRCs for five Lake Hills properties, four of which sold in 2023 for more than their 2024 assessments, although Ciurkot did not compute assessment-to-sale price ratios. All four properties were assessed using a market factor of 1.0 for the land and improvements. The fifth property had a home built the same year as the subject home. There is no sales information for that property, but it was assessed at $848,000 for 2024, with a market factor of 1.75 applied to the land and 1.0 applied to the improvements. *Ciurkot testimony; Exs. 2, 7, A.*

20. Ciurkot also offered sale and assessment information for a property from another assessment neighborhood. That property had an indoor pool and sold in January 2024 for roughly $125,000 less than its 2024 assessment. Ciurkot believes the sale demonstrates (1) that indoor pools reduce a property's market appeal due to factors such as increased humidity, corrosion risks, and acoustic issues, and (2) that the Assessor consistently overvalues properties with indoor pools. But Ciurkot did not offer any analysis or data to isolate the pool's effect on the property's value. *Ciurkot testimony; Covaciu testimony; Ex. 10.*

21. We find that the raw sale and assessment data for that single property neither suffices to demonstrate that indoor pools necessarily reduce a property's market appeal or value, nor to what degree. As explained below, neither appraiser reached that conclusion: Eenshuistra did not have market data to show that indoor pools affect value in either direction, and Pearson found that indoor pools increase property values,

although not to the same extent as in-ground pools. *Eenshuistra testimony; Exs. A, 2, 10.*

C. Valuation opinions

22. Each party hired an appraiser to value the subject property. Ciurkot hired Pearson, while the Assessor hired Eenshuistra.

1. Pearson's appraisal

23. Pearson is a certified residential appraiser. She estimated the subject property's market value as of January 1, 2024. She certified that her appraisal complied with the Uniform Standards of Professional Appraisal Practice ("USPAP"). Pearson did not testify at the hearing, but Ciurkot offered her appraisal report as evidence. *Ciurkot testimony; Ex. 2.*

24. Although there are three generally accepted appraisal methodologies—the cost, sales-comparison, and income approaches—Pearson developed only the sales-comparison approach. She did not explain why she decided against developing the other two approaches. But she did separately estimate the subject site's value at $135,000 based on sales of comparable land. *Ex. 2.*

25. Turning to the sales-comparison approach, Pearson identified four sales of improved properties from Lake Hills that she believed were comparable to the subject property. The homes were between 11 and 18 years old on the valuation date and ranged from 3,078 to 4,109 square feet. The properties sold between April and November 2023 for prices ranging from $645,000 to $918,000. *Ex. 2.*

26. Pearson then considered whether it was necessary to adjust the sale prices to account for differences between those transactions and the posited sale of the subject property, as well as for differences in property-related characteristics. *Ex. 2.*

27. She did not make any adjustments under the first category. Turning to property characteristics, Pearson adjusted the sale prices to account for differences in things like the amount of above-grade living area, basement size and finish, site size, and amenities. She made large upward adjustments between $48,100 and $71,500 for properties with significantly less gross living area than the subject property. She used a rate of $58/s.f. for that adjustment, which she determined by analyzing paired sales of the properties after accounting for non-size-related variables. The analysis yielded a range of approximately $75/s.f. to $105/s.f. She chose a rate that was below the indicated range to "reflect the diminishing marginal utility for additional square footage in larger homes and to remain conservative for this retrospective assignment." *Ex. 2.*

28. Pearson adjusted one sale price—8898 Overlook Point—to account for that property's superior location and view. The property's listing described it as having "views of Golf Lake that will take your breath away." According to Pearson, properties with strong views of Golf Lake command a market premium. A paired-sales analysis indicated a contributory value of approximately $30,000 to $50,000 for superior lake views and location. Pearson therefore applied what she described as a "conservative" downward adjustment of $45,000 ($20,000 for location and $25,000 for view).[2] *Ex. 2.*

29. One of the comparable properties had an in-ground pool, while the other three had no pool. According to a paired-sales analysis and feedback from market participants in similar subdivisions, Pearson found that in-ground pools contribute approximately $10,000-$25,000 more to value than comparable indoor pools. Pearson adjusted the sale price of the property with the in-ground pool downward by $25,000 and the prices of the other three properties upward by $8,000 to account for the indoor pool. *Ex. 2.*

30. Finally, Pearson did not adjust any of her sale prices for differences in construction quality or age. She viewed all four homes as having similar construction quality as the

[2] In the narrative explaining her adjustments, Pearson misstated the magnitude of the adjustment she applied, saying that it was a total of $35,000 ($15,000 for location and $20,000 for view). *Ex. 2.*

subject home. While the comparable homes were between five and twelve years older than the subject home, Pearson explained that they had updates and renovations that were typical of luxury homes in the subdivision. And a paired-sales analysis showed that market participants in Lake Hills placed limited weight on age differences between such homes. *Ex. 2.*

31. The weighted average of Pearson's adjusted sale prices was $879,660. But she settled on an indicated value of $870,000, which she described as a "conservative downward reconciliation appropriate for this retrospective tax-appeal assignment, considering the superior size, amenities, and condition of the subject relative to the available sales data near the effective date." *Ex. 2.*

32. Pearson valued the subject property at $900,000 in her appraisal for Ciurkot's 2023 appeal. *Ciurkot testimony; Ex. 6.*

2. <u>Eenshuistra's appraisal</u>

33. Like Pearson, Eenshuistra is a certified residential appraiser. Because Ciurkot refused Eenshuistra permission to enter the property, he had to make assumptions about the home's interior. But he was still able to offer a reliable valuation opinion. *Eenshuistra testimony*; *Ex. A.*

34. Eenshuistra estimated the market value-in-use of the fee simple interest in the property as of January 1, 2024. He certified that his appraisal complied with USPAP. *Eenshuistra testimony*; *Ex. A.*

35. Eenshuistra applied the cost and sales-comparison approaches. Although homebuyers generally do not make purchase decisions based solely on replacement costs, the subject home was only six years old and had minimal depreciation. When applied to newer improvements, the cost approach is reliable as a secondary—and sometimes primary—value indicator. Eenshuistra therefore believed that it was reasonable to apply the cost approach in valuing the subject property. He also believed that using

multiple valuation approaches can increase a valuation opinion's reliability. *Eenshuistra testimony*; *Ex. A.*

36. Under the cost approach, Eenshuistra examined sales of comparable sites to estimate a value of $110,200 for the subject site. He used Marshall & Swift, a nationally recognized source for cost data, to estimate the home's replacement cost. He then deducted physical and external depreciation from those costs. He also estimated an "as is" value for the site improvements. Adding those components together, he arrived at a value of $1,021,409. *Eenshuistra testimony*; *Ex. A.*

37. For his sales-comparison analysis, Eenshuistra identified six sales of comparable Lake Hills properties, three of which Pearson also used in her report. The homes were between 11 and 19 years old and ranged from 3,187 to 4,835 square feet. They sold between April 2022 and November 2023 for prices ranging from $850,000 to $975,000. *Eenshuistra testimony*; *Ex. A.*

38. Like Pearson, Eenshuistra then considered whether it was necessary to adjust the sale prices. He made one small adjustment to account for seller concessions. Based on an examination of market trends, he also adjusted two sale prices to account for differences in market conditions between the sale dates and the January 1, 2024, valuation date. *Eenshuistra testimony*; *Ex. A.*

39. Turning to property characteristics, Eenshuistra adjusted his comparable properties' sale prices to account for differences in things like age, construction quality, above-grade living area, basement size and finish, site size, and amenities. In making those adjustments, he generally used regression analysis, although he also used paired data in some instances. *Eenshuistra testimony; Ex. A.*

40. His largest adjustments were upward adjustments of $75,000 for two properties he viewed as having inferior construction quality. In both instances, however, Eenshuistra assigned the homes the same general Fannie Mae quality rating—Q3—

that he assigned to the subject property. Nonetheless, those two properties sold for much less than the other properties, which Eenshuistra attributed to their comparatively inferior construction quality. He used a paired-sales analysis to determine the amount of the adjustments, although he acknowledged that the analysis was not mathematically precise. In contrast, Pearson used both of those properties in her appraisal without making any adjustments for construction quality. *Eenshuistra testimony*; *Ex. A; Ex. 2.*

41. Eenshuistra also made upward adjustments between $47,734 and $70,470 for properties with significantly less living area than the subject property. He used the same rate as Pearson ($58/sq. ft.) to calculate those adjustments. His other adjustments were comparatively minor, including his age adjustments, which ranged from $6,000 to $15,600. *Eenshuistra testimony*; *Ex. A.*

42. None of the comparable properties had an indoor pool, and Eenshuistra did not adjust for that difference. He instead viewed the indoor pool as part of the subject property's finished basement. When asked whether indoor pools reduce a property's value, he responded that he did not have any data to support an effect on value in either direction. He did, however, adjust two sale prices downward by $40,000 to account for their in-ground pools. *Eenshuistra testimony*; *Ex. A.*

43. Eenshuistra did not make any adjustments for view. He incorrectly considered the subject home as having a residential/water view. He described one of his comparable properties—8898 Overlook Point, which Pearson adjusted downward for its superior lake view—as also having a residential/water view. The other comparable properties either had no water view or a view of a pond. According to Eenshuistra, paired data did not indicate a clear adjustment based on views of the water. *Eenshuistra testimony*; *Ex. A.*

44. The adjusted sale prices ranged from $947,398 to $1,010,381. Eenshuistra reconciled those prices to an indicated value of $988,000 for the subject property under the sales-

comparison approach. That amount was within the range of the three sales that required the least adjustments. *Eenshuistra testimony*; *Ex. A.*

45. Eenshuistra found that his conclusions under the sales-comparison approach were the most reliable, and he settled on a value of $988,000 as his final opinion of value. But he explained that using multiple approaches increased his opinion's reliability. *Eenshuistra testimony*; *Ex. A.*

46. Eenshuistra had previously appraised the subject property at $910,000 as of the January 1, 2022, assessment date. *Ex. 5.*

3. We find Pearson's valuation opinion more reliable than Eenshuistra's

47. We find that Eenshuistra's and Pearson's 2024 appraisals are both sufficiently reliable to support a determination of the subject property's market value-in-use. Each appraiser complied with USPAP and used relevant market data to apply one or more generally accepted appraisal approaches. And those two appraisals are the only market-based valuation evidence in the record that addresses the January 1, 2024, assessment date.

48. After weighing the two appraisals, we find that Pearson's valuation opinion is the most reliable evidence of the property's market value-in-use, by a preponderance of the evidence. Although Eenshuistra and Pearson used three of the same sales in their respective sales-comparison analyses, they diverged in how they adjusted those sale prices. The most significant differences in their opinions related to the lack of a waterfront view, the effect of an indoor pool, and the treatment of construction quality for two comparable homes.

49. We find Eenshuistra's error in believing the property had a waterfront view substantially detracts from the credibility of his overall opinion. We acknowledge neither appraiser made significant reductions related to waterfront views, and

Eenshuistra estimated a lower value for the subject site than Pearson, even though he considered it to have a view of the water and Pearson did not. In weighing the overall persuasiveness of the opinions, we find Pearson more credible because she correctly understood the physical characteristics of the property.

50. Pearson made adjustments for the presence of the indoor pool, finding a moderate increase in value. Whether or not a pool adds market value is a common appraisal problem in valuing residential property. While we do not fault Eenshuistra's honesty in admitting the lack of data, we find that Pearson's approach was more persuasive.

51. Both appraisers assigned the same two comparable homes the same Fannie Mae quality grade as the subject home, and the exterior photographs largely support that view. Under those circumstances, we would expect Eenshuistra to provide a more detailed explanation of the paired-data analysis he used to arrive at his adjustment. We find Eenshuistra's presumption that poorer quality accounted for the lower sales prices to be unsupported, and we find his conclusion less reliable.

CONCLUSIONS OF LAW AND ANALYSIS

A. Ciurkot did not prove that Indiana Code § 6-1.1-13-13 applied to the subject property's 2024 assessment.

52. Ciurkot first claims that because he successfully appealed the subject property's 2023 assessment, Indiana Code § 6-1.1-13-13 prohibited the Assessor from increasing the assessment in 2024 for any reason other than applying an annual adjustment factor used to assess other properties.[3]

53. Indiana Code § 6-1.1-13-13 can only be understood against the backdrop of Indiana's system for reassessing property and annually adjusting values. Under that system, county assessors must submit a reassessment plan to the Department of Local Government Finance ("DLGF") every four years. Ind. Code § 6-1.1-4-4.2(a). The

[3] In his opening statement, Ciurkot also claimed that the 2023 assessment was contrary to 6-1.1-13-13. That assessment is not before us on appeal.

plan may divide properties into four roughly equal groups to be reassessed in different years or may call for all the parcels to be reassessed in the same year. But all parcels within the jurisdiction must be reassessed once during every four-year cycle. I.C. § 6-1.1-4-4.2(a)(4), (b).

54. As directed by the legislature, the DLGF has adopted rules to establish a system for annually adjusting assessed values to account for changes in value between reassessments. Ind. Code § 6.1.1-4-4.5(a); 50 IND. ADMIN. CODE 27-5. Those rules provide broad guidance for determining annual adjustment factors. *See generally*, 50 I.A.C. 27-5-1(a)-(b). They also vest assessors with significant discretion in determining how to apply those factors. *See* 50 I.A.C. 27-5-6(e) (allowing assessors to determine whether to apply factors to land only or to both land and all or a portion of improvements).

55. That brings us to Ciurkot's claim. Broadly speaking, Indiana Code § 6-1.1-13-13 sets up a regime where once a taxpayer successfully appeals an assessment that meets certain defined criteria, assessing officials are prohibited from increasing the property's assessment in succeeding years for any reason other than applying the "annual adjustment factor used by the assessing official to adjust property values for a tax year." Ind. Code § 6-1.1-13-13(b). The prohibition lasts until the "first year of the next four (4) year cyclical assessment cycle." *Id.* During that period, the taxpayer cannot appeal an increased assessment unless he "believes that the increased assessment is arbitrary and capricious and not made consistent with the annual adjustment factor used by the assessing official to adjust property values for a tax year." *Id.* But the statute does not apply if, among other things, the reduction in assessed value from the previous year's appeal is the result of a settlement agreement between the taxpayer and the assessing official. I.C. § 6-1.1-13-13(c)(1). Finally, the burden shifting provisions of Indiana Code § 6-1.1-15-20 do not apply to claims under the statute. I.C. § 6-1.1-13-13(b).

56. According to Ciurkot, the Assessor has the burden of proving that she did not violate Indiana Code § 6-1.1-13-13 by applying a different annual adjustment factor to the subject property than she did to other Lake Hills properties.

57. The Assessor, by contrast, argues that Ciurkot has the burden of proof and that he failed to meet his burden because he did not offer any evidence to show that 2023 (the year of his successful appeal) and 2024 (the year currently under appeal) were within the same four-year assessment cycle.

58. We agree with the Assessor. As the party seeking to take advantage of the statute's prohibition on increasing the assessment for reasons other than applying the annual adjustment factor, Ciurkot had the burden of proving that the prohibition applies to his appeal. He therefore needed to demonstrate, among other things, that 2023 and 2024 were within the same four-year assessment cycle. But Ciurkot failed to offer the county's reassessment plan. And he did not testify as to when any cycle began or ended.[4] We therefore find that Ciurkot failed to prove that the assessment limits found in Indiana Code § 6-1.1-13-13 apply to the assessment under appeal.

B. The totality of the evidence demonstrates that the property's true tax value is $900,000.

59. We now turn to the question of the property's value. 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).

60. However, the burden of proof shifts if the property's assessment, as last determined by an assessing official or county board, "increased more than five percent (5%) over the

[4] The Assessor also proved that the reduction in assessed value from the 2023 appeal was the result of a settlement agreement. As discussed above, that is an enumerated exception to the statute's application. *See* Ind. Code § 6-1.1-13-13(c)(1).

property's assessment for the prior tax year[.]" I.C. § 6-1.1-15-20(a)-(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).

61. The subject property's assessment increased by 3.28% between 2023 and 2024. We therefore must presume the assessment equals the property's true tax value, unless rebutted by probative evidence demonstrating a different value.

62. 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).

63. 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). 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 at 2 (incorporated by reference 50 IND. ADMIN. CODE 2.4-1-2(a)).

64. 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.

65. 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 §§ 6-1.1-1-2, -2-1.5(a).

66. The parties offered competing USPAP-certified appraisals. Standing alone, the valuation opinion from either appraisal would be sufficiently credible to demonstrate the property's true tax value. For the reasons we have already discussed, however, we find Pearson's valuation opinion more credible than Eenshuistra's. And none of the other evidence offered by the parties credibly demonstrates a different value. The appraisals from prior years do not address the relevant valuation date. And Ciurkot's evidence regarding the differing market factors applied to his improvements compared to the factors applied to the improvements for other properties on the same street merely addresses the mass-appraisal methodology used to determine his assessment. We therefore find that the subject property's true tax value was the amount Pearson's estimated in her 2024 appraisal: $900,000.

C. Ciurkot did not prove that he is entitled to an equalization adjustment.

67. Finally, Ciurkot claims that his assessment is unfair compared to the assessments of other Lake Hills properties, both because the Assessor applied a different market factor to the subject property and because several properties sold for prices far higher than their assessments.

68. The Indiana Constitution's Property Taxation Clause directs the legislature to "provide, by law, for a uniform and equal rate of property assessment and taxation" and to "prescribe regulations to secure a just valuation for taxation of all property, both real and personal." Ind. Const. art. 10 § 1(a); *see also, Thorsness v. Porter Cnty. Ass'r*, 3 N.E.3d 49, 51 (Ind. Tax Ct. 2014). But the Property Taxation Clause does not require "absolute and precise exactitude as to the uniformity and equality of each individual assessment." *State Bd. of Tax Comm'rs v. Town of St. John*, 702 N.E.2d 1034, 1040 (Ind. 1998).

69. Individual taxpayers may seek relief for a lack of uniformity and equality through an equalization adjustment. *Dep't of Loc. Gov't Fin. v. Commonwealth Edison Co. of Indiana,* 820 N.E.2d 1222, 1227 (Ind. 2005). Such claims necessarily depend on the standards for valuing properties under our State's assessment system. Before the switch to our current system, true tax value was determined under the State Board of Tax Commissioners' assessment regulations and bore no relation to any external, objectively verifiable measurement standard. *Westfield Golf Prac. Ctr., LLC v. Washington Twp. Ass'r*, 859 N.E.2d 396, 398 (Ind. Tax Ct. 2007). That changed under the new system, which incorporates market value-in-use as its external, objectively verifiable benchmark. The focus shifted from examining how assessment regulations were applied to examining whether a property's assessed value reflects that external benchmark. *Id.* at 399. Thus, "the **end result**—a uniform and equal rate of assessment—is required, but there is no requirement of uniform procedures to arrive at that rate." *Id.* (citation and internal quotation marks omitted).

70. In *Westfield Golf*, the Tax Court explained that one method for proving a lack of uniformity and equality is to present ratio studies comparing the assessments of properties within an assessing jurisdiction with objectively verifiable data, such as sale prices or market value-in-use appraisals. *Id.* at 399 n. 3. And the DLGF has incorporated into its rules the International Association of Assessing Officers' April 2013 Standard on Ratio Studies ("IAAO Standard"). *Thorsness*, 3 N.E.3d at 53-54 (referring to an earlier version of the IAAO Standard); 50 IND. ADMIN. CODE 27-1-4. The taxpayer in *Westfield Golf* lost its uniformity-and-equality claim because it focused solely on the base rate used to assess its driving-range landing area compared to the rates used to assess other driving ranges and failed to show the market value-in-use for any of the properties. *Westfield Golf*, 859 N.E.2d at 399.

71. In *Thorsness*, and *Donovan v. Clark County Assessor*, 273 N.E.3d 1170, (Ind. Tax Ct. 2025), the Tax Court revisited the standards governing claims for an equalization adjustment. In *Thorsness*, the Tax Court explained that to show a lack of uniformity and equality, ratio studies "must be based on data that has been both appropriately stratified and statistically analyzed," and that the coefficient of dispersion, which "indicates the average deviation from the median sale/assessment ratio[,]" is the most widely used measure of uniformity. *Thorsness*, 3 N.E.3d at 53-54.

72. In *Donovan*, the Tax Court reiterated its discussion from *Thorsness*. It also explained that, while Indiana law does not require taxpayers to offer ratio studies or present their findings in a particular format, they must still walk us through every element in their analysis. *Donovan*, 273 N.E.3d at 1181. To the extent the taxpayers in that case were attempting to use a method other than a ratio study to prove a lack of uniformity and equality, the Court upheld our determination that their method lacked the necessary "rigor and thoroughness[.]" *Id.* at 1182.

73. We find that Ciurkot failed to prove by a preponderance of the evidence that he was entitled to an equalization adjustment. He primarily argued that his assessment was unfair because the Assessor applied a different market factor to the subject property

than she applied to other properties on his street. Like the taxpayer's claim in *Westfield Golf*, Ciurkot's argument focuses on the methodology used to value properties rather than their rate of assessment.

74. The record does contain some evidence from which the rate of assessment may be computed for the subject property and six other properties, even if Ciurkot did not compute those ratios. But Ciurkot did not calculate a coefficient of dispersion or any other statistic to measure uniformity. And he did not show that such a limited sample size is statistically reliable. Indeed, the Assessor used 17 sales from the subject property's assessment neighborhood in her ratio study. We therefore find that Ciurkot's analysis lacks the necessary rigor and thoroughness to demonstrate that he is entitled to an equalization adjustment.

CONCLUSION

75. Ciurkot failed to meet his burden of proving (1) that the restrictions set forth in Indiana Code § 6-1.1-13-13 applied to the subject property's 2024 assessment, or (2) that he was entitled to an equalization adjustment based on a lack of uniformity and equality in assessments. However, the totality of the evidence, based on the persuasiveness of Pearson's appraisal demonstrates that the subject property's true tax value was $900,000. We therefore order that the assessment be changed to that amount.

DATE: Sept. 23, 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>.