

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

**Petition:** 74-016-24-1-5-00772-24  
**Petitioner:** Dennis R. Hall, Jr.  
**Respondent:** Spencer County Assessor  
**Parcel:** 74-14-02-203-009.000-019  
**Assessment Year:** 2024

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

**Procedural History**

1. Dennis R. Hall, Jr. appealed the 2024 assessment of his property located at 3683 North State Road 161 in Richland. On September 9, 2024, the Spencer County Property Tax Assessment Board of Appeals (“PTABOA”) issued a determination sustaining the assessment of \$203,500 (\$5,900 for land and \$197,600 for improvements). Hall then filed a Form 131 petition with us.<sup>1</sup>
2. On February 27, 2025, our designated administrative law judge, Joseph Stanford (“ALJ”), held a telephonic hearing on Hall’s petition. Neither he nor the Board inspected the property. Hall and Austin Budell, an appraisal supervisor for Tyler Technologies, testified under oath.

**Record**

3. The official record for this matter includes the following:<sup>2</sup>

Petitioner Exhibit 1:	Two-year (2021-2023) assessment increases for the subject and neighboring properties,
Petitioner Exhibit 2:	Aerial photographs of neighboring properties with comparisons of their assessments to the subject’s assessment,
Petitioner Exhibit 3:	Original and corrected GIS sketch of subject property and related email correspondence between Hall and the Assessor.
Respondent Exhibit 1:	Subject property record card,

---

<sup>1</sup> Hall originally completed a Form 139 petition and mailed it to the Department of Local Government Finance (“DLGF”). That form applies only to appeals from specific types of assessments made by the DLGF. We issued a notice of defect instructing Hall that if he wished to appeal his assessment, he needed to complete a Form 131 petition and file it with us, which he did.

<sup>2</sup> In addition to the documents labeled as exhibits, Hall provided a written copy of his closing argument, and the Assessor provided Budell’s certificate indicating that he is a Level III Certified Indiana Assessor-Appraiser.

Respondent Exhibit 2: Appraisal of the subject property prepared by Kyle A. Shelton, MAI, SRA.

- The record 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.

### Findings of Fact

#### A. Assessments and sale prices for the subject property and other properties from the area

- The subject property contains a house that is between 2,030 and 2,091 square feet, with an attached garage and a utility shed on a .869-acre lot. The house was built in 1989. *Hall testimony; Resp't Exs. 1-2; Pet'r Ex. 3.*
- From 2021 to 2023, the subject property's assessment rose from \$120,700 to \$179,800, an increase of almost 49%. The assessment then increased roughly another 13% to \$203,500 in 2024. *Hall testimony; Pet'r Ex. 1; Resp't Ex. 1.*
- The assessments for two of Hall's neighbors, Sarver and Mascenik, did not increase as steeply during the same period. Sarver's assessment increased from \$121,700 in 2021 to \$162,100 in 2024, while Mascenik's assessment increased from \$118,700 to \$181,300. Several other nearby properties experienced comparatively smaller increases in their assessments between 2021 and 2023 than what the subject property experienced during the same period, although there is no evidence to show the 2024 assessments for those properties. *Hall testimony; Pet'r Exs. 1-2.*
- Four properties from the area sold in 2023. Three sold for more than their 2023 assessments, but there is no evidence to show what their 2024 assessments were. The fourth was Mascenik's property, which sold for more than both its 2023 and 2024 assessments:

Owner	Sale Price	2023 Assessment	2024 Assessment
Mascenik	\$210,000	\$163,300	\$181,300
Andrews	\$245,000	\$153,600	N/A
Durbin	\$306,000	\$175,500	N/A
Suter	\$298,000	\$160,200	N/A

Hall also offered sale and assessment data for two properties that sold in 2017 and 2018, respectively, without attempting to relate those sale prices to a value as of the January 1, 2024 assessment date. *Hall testimony; Pet'r Exs. 1-2.*

- One of those two properties is owned by Hargus. While Hall described Hargus' home as "comparable" to the subject home, the record contains no information from which to draw a comparison beyond exterior photographs of the two homes. Hargus' property also

has a pole barn. Hargus bought his property for \$155,000 in 2017. *Hall testimony; Pet'r Ex. 4.*

## **B. Kyle Shelton's Appraisal**

10. The Assessor hired Kyle A. Shelton, a licensed appraiser with MAI and SRA designations, to appraise the subject property. Shelton prepared an appraisal report estimating the property's value to be \$205,000 as of January 1, 2024. He based his report and valuation opinion on "a physical analysis of the site and improvements, a locational analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject." Shelton certified that he prepared his report in accordance with the Uniform Standards of Professional Appraisal Practice ("USPAP"). *Budell testimony; Resp't Ex. 2.*
11. Shelton developed only one valuation approach—the sales-comparison approach. Due to the home's age and the amount of accrued depreciation, he did not believe the cost approach applied. And he found there was insufficient market data to apply the income approach. *Budell testimony; Resp't Ex. 2.*
12. For his sales-comparison analysis, Shelton found three properties from Richland with ranch-style homes that he believed were comparable to the subject property. They were all located within five miles of the subject property, and they sold in 2023 for prices ranging from \$210,000 to \$230,000. *Budell testimony; Resp't Ex. 2.*
13. Shelton considered adjusting the sale prices to account for transactional differences between the posited sale of the subject property and the sales of the three comparable properties, including adjustments for seller concessions in each sale. He also considered adjusting the sale prices to account for various property-related characteristics. He made several such adjustments, including adjustments for differences in condition, gross living area, and amenities. His adjusted sale prices ranged from \$198,720 to \$214,699, which he reconciled to a value of \$205,000 for the subject property. *Budell testimony; Resp't Ex. 2.*

## **Parties' Contentions**

### **A. Hall's contentions**

14. Hall primarily argues that the subject property's assessment has increased at a disproportionately higher rate than the assessments for other properties in the area. He also contends that the subject property is assessed for a greater percentage of its value than other properties. The Assessor told him assessments should be between 98% and 103% of market value. But Hall argues that other properties in the area are assessed at only 70% to 80% of their market value, as evidence by their sale prices from 2017, 2018, and 2023. Hall believes the subject property should be treated the same as other properties in the area.

## **B. The Assessor's contentions**

15. The Assessor argues that Shelton's appraisal report is the most reliable indicator of the subject property's true tax value as of January 1, 2024. She therefore asks us to increase the assessment to \$205,000.

## **Conclusions of Law**

### **A. The Assessor had the burden of proving the subject property's true tax value.**

16. 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." I.C. § 6-1.1-15-20(a) (effective March 21, 2022).
17. 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." *Id.* If the burden has shifted, and "the totality of the evidence presented to the Indiana board 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).
18. The subject property's assessment increased by 13% between 2023 and 2024. The parties therefore agree that the Assessor has the burden of proof.

### **B. The totality of the evidence shows the property's true tax value was \$205,000.**

19. 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).
20. 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.

21. To meet its burden of proof, a party “must present objectively verifiable, market-based evidence” of the property’s value. *Piotrowski v. Shelby Cty. Ass’r*, 177 N.E.3d 127, 132 (Ind. Tax Ct. 2021) (citing *Eckerling v. Wayne Twp. Ass’r*, 841 N.E.2d 674, 677-78 (Ind. Tax Ct. 2006)). For most real property types, neither the taxpayer nor the assessor may rely on the mass appraisal “methodology” of the “assessment regulations.” *PIA Builders & Developers, LLC v. Jennings Cty. Ass’r*, 842 N.E.2d 899, 900, (Ind. Tax Ct. 2006). 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.
22. 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 Cty. Ass’r*, 119 N.E.3d 1152, 1156 (Ind. Tax Ct. 2019). Finally, the evidence must reliably indicate the property’s value as of the valuation date. *O’Donnell v. Dep’t of Local Gov’t. Fin.*, 854 N.E.2d 90, 95 (Ind. Tax Ct. 2006). For 2024 assessments, the valuation date was January 1, 2024. I.C. § 6-1.1-2-1.5(a).
23. The Assessor offered Shelton’s USPAP-compliant appraisal report to show the subject property’s market value-in-use. Shelton based his valuation opinion on relevant market data. And he employed a generally accepted appraisal methodology to analyze that data and form an opinion of the property’s value as of the relevant January 1, 2024 valuation date. We find his opinion highly probative, and prima facie establishes that the subject property’s true tax value is \$205,000.
24. Hall did not even attempt to impeach Shelton’s valuation opinion. Nor did he rebut that opinion with probative market-based evidence of his own. At most, Hall pointed to assessments and sale prices of other properties, without showing that the properties were comparable to the subject property or adjusting the assessments and sale prices to account for relevant ways in which they differed from the subject property. See *Long v. Wayne Twp. Ass’r*, 821 N.E.2d 466, 470-71 (Ind. Tax Ct. 2005) (holding that taxpayers’ sales data for other properties lacked probative value where they failed to explain how the characteristics of those properties compared to their property or how any differences affected market value-in-use ). Also, without more, the sale prices from 2017 and 2018 do little to show values as of the January 1, 2024 valuation date.
25. We reach the same conclusion regarding Hall’s evidence comparing the increases in the subject property’s assessment since 2021 to the increases in other properties’ assessments over the same period. Again, Hall did little to compare the properties. Also, each tax year stands alone, and evidence of a property’s assessment in one tax year generally is not probative of its true tax value in another year. *Fleet Supply, Inc. v. State Bd. of Tax Comm’rs*, 747 N.E.2d 645, 650 (Ind. Tax Ct. 2001) (citing *Glass Wholesalers, Inc. v. State Bd. of Tax Comm’rs*, 568 N.E.2d 1116, 1124 (Ind. Tax Ct. 1991)).

26. Based on Shelton’s valuation opinion, which is the only probative evidence of the property’s market value-in-use, we find that the subject property’s true tax value is \$205,000.

**C. Hall did not make a case for an equalization adjustment.**

27. But our inquiry does not end there. Hall argues that his property is assessed at a higher percentage of its market value than other properties in the area.
28. The Property Taxation Clause from the Indiana Constitution 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.” Ind. Const. art. X § 1; *see also, Thorsness v. Porter Cty. Ass’r*, 3 N.E.3d 49, 51 (Ind. Tax Ct. 2014). The Constitution, however, 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) (emphasis in original).
29. The Legislature and the DLGF have enacted various statutes and rules designed to comply with the constitutional mandate of uniformity and equality, including statutes that contemplate applying equalization adjustments. *See, e.g.*, I. C. § 6-1.1-13-5 and -6; I.C. § 6-1.1-14-5; 2021 REAL PROPERTY ASSESSMENT MANUAL at 14-15. Those provisions generally offer class-wide relief and do not necessarily give taxpayers the right to seek an individual equalization adjustment. *See Dep’t of Local Gov’t Fin. v. Commonwealth Edison Co. of Ind, Inc.*, 820 N.E.2d 1222, 1226 (Ind. 2005) (recognizing that the intent behind Ind. Code § 6-1.1-4-5(a) and related statutes does not appear to authorize an individual equalization adjustment). Nonetheless, the general appeal statute (Ind. Code § 6-1.1-15-1.1) allows an individual taxpayer to “contend that its property taxes were higher than they would have been had other property been properly assessed.” *See id.* (referencing predecessor to Ind. Code § 6-1.1-15-1.1 ). A taxpayer has the burden of proof in seeking an individual equalization adjustment. *See Thorsness*, 3 N.E.3d at 53 (holding that predecessor to Ind. Code § 6-1.1-15-20 did not apply to claims alleging a lack of uniformity and equality).
30. As the Tax Court explained in *Thorsness*, uniformity and equality may be measured through an assessment ratio study, which “compare[s] the assessed values of properties within an assessing jurisdiction with objectively verifiable data, such as sales prices or market value-in-use appraisals.” *Thorsness*, 3 N.E.3d at 51 (quoting *Westfield Golf Practice Ctr., LLC v. Washington Twp. Ass’r*, 859 N.E.2d 396,399 n.3 (Ind. Tax Ct. 2007)). And the Department of Local Government Finance (“DLGF”) has incorporated into its rules the International Association of Assessing Officers’ April 2013 Standard on Ratio Studies (“IAAO Standard”). *Id.* at 53-54 (referring to an earlier version of the IAAO Standard); 50 IAC 27-1-4.
31. In *Thorsness*, the Tax Court affirmed our determination denying the taxpayer’s claim for an equalization adjustment. The taxpayer offered evidence showing that while his

property was assessed at 99.9% of its sale price, six other properties from his subdivision were assessed at an average of only 79.5% of their recent sale prices. *Thorsness*, 3 N.E.3d at 50. At the administrative level, we rejected the taxpayer's claim on grounds that his evidence did not conform to professionally accepted standards and was not based on a statistically reliable sample. *Id.*

32. In reaching its decision, the Tax Court first discussed the 1999 version of the IAAO Standard, which the DLGF had incorporated into its rules for the years under appeal in *Thorsness*. *Id.* at 53. As is the case with the current standard, the 1999 version required valid ratio studies to be based on data that was both appropriately stratified and statistically analyzed. *Id.*; IAAO Standard at 24. Also like the current standard, the 1999 version required statistical measures of assessment accuracy and uniformity to be calculated for the entire taxing district and each stratum therein. *Id.* at 54; *See* IAAO Standard at 9, 24 (discussing stratification), 27-29 (discussing statistical analysis). And the DLGF had declared the coefficient of dispersion as "the yardstick by which uniformity is measured in Indiana's townships." *Id.* (citing 50 IAC 14-7-1 (repealed April 8, 2010) and 2002 REAL PROPERTY ASSESSMENT MANUAL at 6).<sup>3</sup> The Court explained that while the taxpayer's evidence was relevant, it did not show his property was assessed and taxed at a level exceeding the common level of assessment within his township overall. *Id.*
33. Some of Hall's sales and assessment data is relevant. But it does not suffice to show a lack of uniformity and equality in assessments or that he is entitled to an equalization adjustment. Indeed, it is far less compelling than the taxpayer's evidence in *Thorsness*. That taxpayer offered evidence to show the assessment levels for six other properties from his subdivision. Hall, by contrast, offered data from which the 2024 assessment level of only one other property could be computed: his neighbor Mascenik's property, which was assessed for 86.33% of its recent sale price.<sup>4</sup> While Hall offered 2023 sales data for three other properties, he did not show what those properties were assessed for in 2024. So his data does not establish the assessment level for those properties during the year at issue in this appeal.
34. And like the taxpayer in *Thorsness*, Hall did not calculate a coefficient of dispersion or any other statistic to measure uniformity. We therefore find that Hall failed to prove he is entitled to have his assessment adjusted to an amount other than what we find to be its true tax value: \$205,000.

### **Conclusion**


35. The totality of the evidence shows the subject property's true tax value is \$205,000. And Hall failed to prove he is entitled to have that value adjusted based on a lack of uniformity and equality in assessments. We therefore find for the Assessor, and order that the 2024 assessment be increased to \$205,000.

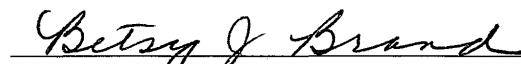
---

<sup>3</sup> While those provisions have since been repealed and replaced, analogous provisions may be found in the DLGF's current rules. *See* 50 IAC 27-4-5(c); 50 IAC 27-10-1(a); 2021 MANUAL at 14-15.

<sup>4</sup>  $\$181,300$  (2024 assessment)  $\div$   $\$210,000$  (sale price) = 0.8633.

Date: MAY 14, 2025

  
\_\_\_\_\_  
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>.