

REPRESENTATIVE FOR THE PETITIONER: Charles Hotka, *pro se*

REPRESENTATIVE FOR THE RESPONDENT: Ayn Engle, Attorney

**BEFORE THE
INDIANA BOARD OF TAX REVIEW**

Charles Hotka,	)	Petition No.:	07-003-24-1-5-00857-24
)		
Petitioner,	)	Parcel No.:	07-10-22-300-117.000-003
)		
v.	)	County:	Brown
)		
Brown County Assessor,	)	Township:	Van Buren
)		
Respondent.	)	Assessment Year:	2024

MARCH 3, 2026

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. Charles Hotka appealed the 2024 assessment of a property in Brown County consisting of a cabin and barn with associated land as well as classified forest land. Hotka argued that the entire property should be assessed under the agricultural guidelines, but he failed to demonstrate how the cabin and related land were devoted to agricultural use. The Assessor provided an appraisal but failed to relate it to the appropriate valuation date. Because the totality of the evidence is insufficient to support any value, we order no change to the 2024 assessment.

PROCEDURAL HISTORY

2. Charles Hotka appealed the 2024 assessment of his property located at 3705 Orchard Rd. in Columbus on June 5, 2024.
3. The Brown County Property Tax Assessment Board of Appeals (“PTABOA”) held a hearing on November 15, 2024. On November 26, 2024, the PTABOA sustained the assessment at \$38,300 for land and \$306,700 for improvements for a total of \$345,000. Hotka appealed to the Board on December 27, 2024.
4. On December 4, 2025, Dalene McMillen, the Board’s Administrative Law Judge (“ALJ”), held a telephonic hearing. Neither the Board nor the ALJ inspected the property.
5. Charles Hotka and Ken Surface testified under oath.
6. Hotka offered the following exhibits:

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|------------------------|--|
| Petitioner Exhibit 2: | Real Property Assessment Guidelines (“Guidelines”), Chapter 2 – Land, |
| Petitioner Exhibit 5: | “Verified Petition for Judicial Review” dated July 2, 2025, |
| Petitioner Exhibit 11: | Land survey and photograph of subject property and article entitled “Chapter 2 – Districts,” |
| Petitioner Exhibit 12: | 2024 subject property record card (“PRC”), |
| Petitioner Exhibit 13: | 50 IAC 2.4-1-1, |
| Petitioner Exhibit 14: | 2021 Real Property Assessment Manual (“Manual”), Appendix A – Property Class Codes pages 16 & 17, |
| Petitioner Exhibit 15: | Guidelines, Class Codes pages 19 & 20, |
| Petitioner Exhibit 16: | Forestry map of the subject property, |
| Petitioner Exhibit 17: | Aerial map of the subject property, |
| Petitioner Exhibit 18: | 36 photographs of the subject property, |
| Petitioner Exhibit 19: | Guidelines, Assessing Agricultural Land page 74, |
| Petitioner Exhibit 20: | I.C. § 6-1.1-4-13, |
| Petitioner Exhibit 22: | I.C. § 6-1.1-4-4.5, |
| Petitioner Exhibit 25: | Stewardship Plan & Classified Forest and Wildlands Reinspection for the subject property dated March 13, 2025, |

- Petitioner Exhibit 26: Subject property's "Management Activity Tracking Log,"
- Petitioner Exhibit 27: Indiana Department of Natural Resources Division of Forestry article "The Classified Forest and Wildlands Program,"
- Petitioner Exhibit 28: Guidelines, Appendix C – Residential and Agricultural Cost Schedules pages 22 & 23,
- Petitioner Exhibit 29: Hotka's affidavit of agricultural use of homesite,
- Petitioner Exhibit 30: Manual, Introduction page 2 of 20,
- Petitioner Exhibit 40: 2022 subject PRC.¹

7. The Respondent offered the following exhibits:

- Respondent Exhibit R-A: 2024 subject PRC and 10 photographs,
- Respondent Exhibit R-B: Subject property's application for classification of land as forest land and wildlands dated January 21, 2015,
- Respondent Exhibit R-D: Department of Local Government Finance ("DLFG") memorandum "Assessment Rate of Classified Forests, Windbreaks, & Filter Strips" dated December 29, 2023,
- Respondent Exhibit R-E: Guidelines, Chapter 2 – Land,
- Respondent Exhibit R-F: Email from Mari Miller, Brown County to Ken Surface dated November 24, 2025,
- Respondent Exhibit R-G: 2024 PRC and 3 photographs for 3237 Orchard Road,
- Respondent Exhibit R-H: 2024 PRC and 6 photographs for 3695 Orchard Road,
- Respondent Exhibit R-I: *Charles Hotka v. Brown County Assessor*, IBTR Pet. No. 07-003-23-1-5-00722-23 (May 27, 2025),
- Respondent Exhibit R-J: Appraisal report of the subject property prepared by Mark Ratterman of REsource, LLC effective date January 1, 2023,
- Respondent Exhibit R-K: Indiana Realtors "3-Month and 12-Month Rolling Report – Brown County – Feb 7, 2024" – median sale price,
- Respondent Exhibit R-L: 22 photographs of the subject property.²

¹ Hotka submitted the following exhibits but did not offer them into evidence; Petitioner Exhibits 1, 3, 4, 6-10, 21, 23, 24, & 31-39.

² The Assessor submitted Respondent Exhibit R-C but did not offer it into evidence.

8. The record also includes the following: (1) all pleadings and documents filed in this appeal, (2) all orders, and notices issued by the Board or ALJ; and (3) the digital recording of the hearing.

OBJECTIONS

9. Hotka objected to Respondent's Exhibit R-I, the Board's 2023 final determination of *Charles Hotka v. Brown County Assessor*, IBTR Pet. No. 07-003-23-1-5-00722-23 (May 27, 2025) on the grounds that the appraisal used as evidence in that case was in violation of the Indiana Code and the DLGF Guidelines. The Assessor argued that this goes more to the weight the exhibit should be given rather than its admissibility. We agree with the Assessor and find that Hotka has not demonstrated any grounds for excluding the exhibit. In addition, 52 IAC 4-6-11(a)(2) specifically permits us to take notice of our own proceedings. For these reasons, we overrule the objection and admit the exhibit.
10. Hotka objected to Respondent's Exhibits R-J and R-L, the appraisal report and pictures of the subject property, on the grounds the pictures they contained were not dated or taken on January 1, 2024, and thus are not relevant. We find the exhibits meet the minimal standard for relevance. Thus, we overrule the objections and admit the exhibits.

FINDINGS OF FACT

11. The property under appeal consists of a 1.5 story frame cabin of approximately 2,330 square feet with a pole barn located on 121.032 acres in Columbus. Hotka uses the cabin as shelter when on the property. For the 2024 assessment year, 119.856 acres were assessed as classified forest. *Hotka testimony; Surface testimony; Pet'r Exs. 11, 12, 16, 17 & 25; Resp't Exs. R-A, R-B & R-I.*

12. The Assessor submitted an appraisal report prepared by Mark Ratterman, MAI, which estimated the market value-in-use of the subject property at \$366,900 as of January 1, 2023.³ *Resp't Ex. R-J*.
13. The 2024 assessment under appeal of \$345,000 is a decrease from the 2023 assessment of \$366,900 (as last corrected in our May 27, 2025 determination). *Resp't Exs. R-A & R-I*.

PETITIONER'S CONTENTIONS

14. Hotka argued that the Assessor did not properly assess the subject property according to the Manual and Guidelines. In particular, he argued that the 1.176 acres of land not assessed as classified forest, including the land under the cabin and pole barn, should have been assessed as agricultural land because it was vital to the maintenance of the classified forest. *Hotka testimony; Pet'r Exs. 2, 11, 13, 16 & 17*.
15. In addition, Hotka argued that the cabin should have been assessed as an agricultural improvement because:
 - Its purpose was for use as shelter while performing work on the classified forest.
 - It does not meet the definition of dwelling under Indiana Code § 6-1.1-12-37.
 - It was vital to the maintenance of the classified forest.

He also argued that because the cabin was an agricultural improvement it should not have been trended according to Indiana Code § 6-1.1-4-4.5. Finally, Hotka argued that by trending the residential homesite, the assessment was “encroaching” on 7 or 8 acres of classified forest. *Hotka testimony; Pet'r Exs. 12, 14, 15, 17-19, 20, 22, 29 & 30*.

RESPONDENT'S CONTENTIONS

16. The Assessor argued that the subject property was assessed in accordance with the law and DLGF Guidelines. In particular, the Assessor argued that:

³ This appraisal report is discussed in detail in our 2023 determination for the subject property found in *Resp't Ex. R-I*. Because the result in this appeal turns exclusively on the valuation date, we do not repeat that discussion here.

- The cabin and 1.176 acres of land not in the classified forest were correctly assessed as residential land and improvements because they were used for residential purposes.
- The 1.176 acres of land not in the classified forest was assessed consistently with the subject property's neighborhood.

Surface testimony; Resp't Exs. R-A, R-E, R-F, R-G, R-H; Pet'r Ex. 2.

17. The Assessor also argued that according to the Indiana Realtors Association, sale prices of residential dwellings in Brown County increased by 14% from February 2023 to January 2024. Applying that increase to the 2023 appraised value of the improvements and 1.176 acres of residential land, and then adding in the 2024 assessed value of the classified forest, yielded a value of \$418,100. *Surface testimony; Resp't Exs. R-J & R-K.*
18. Finally, the Assessor argued the subject property's value should be at least \$367,000. The Assessor arrived at this value by combining the 2023 appraised value for the improvements and 1.176 acres of land with the 2024 assessed value of the classified forest. The Assessor asked the Board to raise the assessment to this amount. *Surface testimony; Resp't Ex. R-J.*

BURDEN OF PROOF

19. Generally, the taxpayer has the burden of proof when challenging a property 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).
20. 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 that do not apply here, 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).

21. If the burden has shifted, and “the totality of the evidence presented to the [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).
22. Here, we determined the prior year’s assessment to be \$366,900 in our determination dated May 27, 2025. Hotka argues that our determined value should not represent the prior year’s assessment because he petitioned for “judicial review” and the previous assessment should stand until that appeal is decided. Hotka cited no authority for this position, nor are we aware of any. Moreover, a search of the Tax Court’s docket reveals there is no pending appeal of our 2023 determination. But even were there an appeal pending, our determination would represent the assessed value as last corrected unless and until it was overturned by the Tax Court or the Indiana Supreme Court. Thus, the prior year’s assessment is \$366,900. The current assessment of \$345,000 is a decrease from that amount and the Petitioner bears the burden of proof.

ANALYSIS

23. The Indiana Board of Tax Review is the trier of fact in property tax appeals, and its 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 it.” I.C. § 6-1.1-15-20(f). The Board’s conclusion of a property’s true tax value “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).
24. 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). Instead, true tax value is found under the rules of the Department of Local Government Finance (“DLGF”). Ind. Code § 6-1.1-31-5 (a) (2024); 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.

25. In order to meet its burden of proof, a party “must present objectively verifiable, market-based evidence” of the value of the property. *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 & Devs., 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 Guidelines’ procedures and schedules” lacks the market-based evidence necessary to establish the market value-in-use of a specific property. *Piotrowski*, 177 N.E.3d at 133.
26. 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. Dept. of Loc. Gov’t Fin.*, 854 N.E.2d 90, 95 (Ind. Tax Ct. 2006).
27. With respect to agricultural property, Indiana Code § 6-1.1-4-13(a) provides that “land shall be assessed as agricultural land only when it is devoted to agricultural use.” The definition of “agricultural property” includes land “devoted to or best adaptable for the production of crops, fruits, timber and the raising of livestock.” 2021 REAL PROPERTY ASSESSMENT GUIDELINES, Glossary at 2. The statutory and regulatory scheme for assessing agricultural land requires the Board to treat challenges to those assessments

differently than other assessment challenges. *See* MANUAL at 2. For example, the legislature directed the DLGF to use distinctive factors such as soil productivity that do not apply to other types of land. I.C. § 6-1.1-4-13(c). The DLGF determines a statewide base rate by taking a rolling average of capitalized net income from agricultural land. *See* GUIDELINES, Ch. 2 at 73-74. Assessors then adjust that base rate according to soil productivity factors. *Id.* at 92-96. Depending on the type of agricultural land at issue, assessors may then apply influence factors in predetermined amounts. *Id.* at 82-83, 87, 95-96.

28. Furthermore, for the purpose of determining the true tax value of agricultural land, the Guidelines provide that one acre per dwelling on agricultural property be classified as Type 9 agricultural homesite. GUIDELINES, Ch. 2 at 90. The homesite makes up a portion of a property's land value. Also, areas containing a large, manicured yard that exceeds the accepted one-acre homesite are classified as Type 92 agricultural excess acreage. GUIDELINES, Ch. 2 at 51-52, 90. Unlike other subtypes of agricultural land, the true tax values of agricultural homesites and excess acreage cannot be established on appeal by applying the Guidelines. *See* GUIDELINES, Ch. 2 at 5-13, 90 (explaining that agricultural homesites and agricultural excess acreage are not valued using the soil-productivity method but are instead valued using base rates established through sales data). Instead, a party needs to offer probative market-based evidence.
29. For properties with mixed residential and agricultural uses like the subject property, the parties are faced with a hybrid regime for proving true tax value. Land devoted to agricultural use must be valued using the soil-productivity method, and the parties' evidence must conform to the Guidelines. Similarly, land enrolled in the classified forest program must be assessed in conformity with the Guidelines at the rates established under Indiana Code § 6-1.1- 6-14. For improvements, agricultural homesites, and agricultural excess acreage the parties must offer market-based evidence to establish the property's market value-in-use.

30. Here, there is no dispute regarding the classified forest land. Thus, we are left to examine the evidence regarding the improvements and 1.176 acres of non-classified forest land. Hotka argued that both the land and improvements were devoted to agricultural use, but he offered only conclusory support for this claim. Hotka maintained that the cabin does not fit the definition of dwelling in Indiana Code § 6-1.1-12-37, the homestead deduction statute, and thus could not be residential property. But a dwelling is not necessary in order for a property to be considered residential. *See Gary II LLC v. Lake Cnty. Assessor*, 256 N.E.3d 600 (Ind. Tax Ct. 2025) (holding that vacant lots were nonetheless used for residential purposes), *review denied*. And by Hotka's own admission, the cabin was used for shelter, which is a residential use. Using the cabin for shelter while working on a separate, agricultural portion of the property does not transform it into an agricultural building. Neither the statute nor the regulations define a farmhouse on a farm as agricultural, and we decline to make an exception for Hotka's cabin on his forest. Because the cabin is not an agricultural building, Hotka's claim that its assessment should not have been trended according to Indiana Code § 6-1.1-4-4.5(e) fails. In addition, contrary to Hotka's assertion, I.C. § 6-1.1-4-4.5(e) does not prohibit trending agricultural buildings, rather it only specifies that they must be trended with data from similar property rather than data from residential, commercial, or industrial property.
31. Turning to the land, we find at least some portion of it supports the cabin and thus is not devoted to agricultural use. As for the remainder, if any, Hotka provided no reliable evidence showing how any specific portion of the land was used for agricultural purposes or what the appropriate agricultural assessment should be. Finally, we find no support for Hotka's claim that the homesite assessment was "encroaching" or capturing value from the classified forest.
32. As discussed above, Hotka needed to provide market-based evidence of the value of the improvements and non-agricultural land in order to make a case for any change in the assessment. Hotka made some claims regarding how the Assessor assessed the property under the Guidelines. But simply attacking the methodology used to develop the

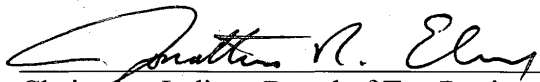
assessment is insufficient to establish a value. *Piotrowski*, 177 N.E.3d at 133. Instead, parties must use market-based evidence to “demonstrate that the suggested value accurately reflects the property’s true market value-in-use.” *Eckerling v. Wayne Twp. Ass’r*, 841 N.E.2d 674, 678 (Ind. Tax Ct. 2006). Hotka did not provide any such evidence. For these reasons, he has failed to make a case for any change in the assessment.

33. We now turn to the Assessor’s evidence. The Assessor presented an appraisal that valued the subject property as of January 1, 2023, and argued that it could be combined with the classified forest assessment to reach a value for the 2024 assessment year. An appraisal can be the best evidence of value, but in order for it to be reliable evidence, it must be affirmatively related to the valuation date. *O’Donnell*, 854 N.E.2d at 95. Pointing to evidence of general market trends (such as the Indiana Realtor’s Association data the Assessor presented here) is insufficient. *Nova Tube Ind. II LLC v. Clark Cnty. Ass’r*, 101 N.E.3d 887, 895 (Ind. Tax Ct. 2018). Because the Assessor did not provide reliable evidence affirmatively relating the 2023 appraisal to the 2024 valuation date, it is insufficient to support any change in the assessment.
34. Neither party presented reliable evidence supporting any specific value for the subject property. For this reason, the totality of the evidence is insufficient to support any change in value, and the current assessment is presumed correct under Indiana Code § 6-1.1-15-20.


SUMMARY OF FINAL DETERMINATION

35. Because the totality of the evidence is insufficient to support any value, we order no change to the 2024 assessment.

The Final Determination of the above captioned matter is issued by the Indiana Board of Tax Review on the date written above.


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>>.