

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

Petition #: 51-008-03-1-6-00002
Petitioner: JOE & DELPHIA BAKER
Respondent: PERRY TOWNSHIP ASSESSOR, MARTIN COUNTY
Parcel(s): 1992 PERSONAL PROPERTY MOBILE HOME
Assessment Year: 2003

The Indiana Board of Tax Review (IBTR) issues this determination in the above matter, and finds and concludes as follows:

Procedural History

1. The Petitioner initiated an assessment appeal with the Martin County Property Tax Assessment Board of Appeals (PTABOA) by written document dated September 24, 2003.
2. The Petitioner received notice of the decision of the PTABOA on November 25, 2003.
3. The Petitioner filed an appeal to the Indiana Board of Tax Review (IBTR) by filing a Form 131 with the county assessor on December 22, 2003. Petitioner elected to have this case heard in small claims.
4. The IBTR issued a notice of hearing to the parties dated February 2, 2004.
5. The IBTR held an administrative hearing on March 4, 2004 before the duly appointed Administrative Law Judge Jennifer Bippus.
6. Persons present and sworn in at hearing:
 - a. For Petitioner: Mark Jones, Attorney at Law
Dencil Ramsey, Legal Guardian of the Taxpayer
 - b. For the Respondent: Maxine Huebner, Perry Township Assessor

Facts

7. The property is classified as an Annually Assessed 1992 Skyline Meadow Ridge mobile home, as shown on the annually assessed mobile home worksheet.
8. The Administrative Law Judge (ALJ) did not conduct an inspection of the property.

9. Assessed Value of subject property as determined by the Martin County PTABOA (2003): Mobile Home: \$18,310

10. Assessed Value requested by Petitioner: Personal Property Mobile Home \$13,711.

Contentions

11. Summary of Petitioner's contentions in support of alleged error in assessment:

- a. The Circuit Court Order authorized the purchase of the mobile home for the sum of \$13,250.
- b. The Court Order purchase price of \$13,250 was arrived at through a private sale of the property, which constituted an arms-length transaction¹.
- c. The 2003 NADA Manufactured Housing Appraisal Guide lists a base value for a 14-foot wide mobile home of \$13,711.
- d. NADA Form 1, a book value worksheet provided by NADA, calculates the average retail book value for the property at \$14,122.

12. Summary of Respondent's contentions in support of assessment:

- a. The Real Property Guidelines mobile home pricing schedules appear too high.
- b. The Respondent did not change the assessed value in an attempt to maintain consistency among assessments.
- c. The PTABOA recommended, through the Form 115, the Petitioner pursue the issue at the IBTR level for a determination of a correct value.

Record

13. The official record for this matter is made up of the following:

- a. The Petition, and all subsequent pre-hearing submissions by either party.
- b. The tape recording of the hearing labeled BTR #5860.
- c. The evidence submitted by the Petitioner:
 Petitioner Exhibit 1: Circuit Court Order; and
 Petitioner Exhibit 2: NADA Manufactured Housing Appraisal Guide.
- d. These Findings and Conclusions.

Analysis

14. The most applicable governing case law is:

- a. *State Board of Tax Commissioners v. Indianapolis Racquet Club, Inc.* 743 N.E. 2d 247, 253 (Ind. 2001), and *Blackbird Farms Apartment, LP v. Department of Local Government Finance*, 765 N.E. 2d 711 (Ind. Tax 2002): "The Petitioner must do two things: (1) prove the assessment is incorrect; and (2) prove that the specific assessment he seeks, is correct. In addition to demonstrating that the

¹ An arms length sales transaction is one in which the parties are not related or have a relationship that may encourage the parties to agree to a price established by some factor other than the open market.

assessment is invalid, the petitioner also bears the burden of presenting sufficient probative evidence to show what assessment is correct.”

15. Petitioner provided sufficient evidence to support Petitioner’s contentions. This conclusion was arrived at because:
- a. Department of Local Government Finance provided subsequent guidelines (January and July 2003) on mobile homes that state, “an appraisal or sale of the mobile home would be better evidence of value.”
 - b. Petitioner submitted a Circuit Court Order authorizing the purchase of the mobile home for \$13,250.
 - c. The Order was based on a private sales transaction. The Petitioner contends the sale was an arms length transaction.
 - d. The average retail book NADA value for the mobile home was calculated at \$14,122. The NADA base value for a mobile home 14-feet wide is \$13,711.
 - e. The sale transaction represents probative evidence that the assessment of the mobile home may be overstated.
16. Respondent did not adequately refute Petitioner’s evidence. This conclusion is arrived at because:
- a. Township and PTABOA both think the assessment is too high, but they did not feel comfortable making a decision to lower the assessment.
 - b. PTABOA, on the Form 115 encouraged the Petitioner to file a Form 131 with the IBTR in order to determine the correct assessment.
 - c. The Respondent did not present any probative evidence or testimony indicating the purchase price of \$13,250 was not based on an arms length transaction.
17. The Petitioner has met its burden of proof and has established the value of the mobile home at \$13,250. A change to the assessment is made to the assessment as a result of this issue.

IBTR Determination

In accordance with the above findings and conclusions the Indiana Board of Tax Review now determines that the assessment should be changed.

ISSUED: _____
(date)

Commissioner

IMPORTANT NOTICE

- APPEAL RIGHTS -

You may petition for judicial review of this final determination pursuant to the provisions of Indiana Code § 6-1.1-15-5. The action shall be taken to the Indiana Tax Court under Indiana Code § 4-21.5-5. To initiate a proceeding for judicial review you must take the action required within forty-five (45) days of the date of this notice.