

REPRESENTATIVE FOR THE PETITIONER: James A. Kujaca, *pro se*  
REPRESENTATIVE FOR THE RESPONDENT: Bradley J. Adamsky, Attorney

---

**BEFORE THE  
INDIANA BOARD OF TAX REVIEW**

James A. Kujaca,	)	Petition Nos.: 46-023-23-1-5-00057-24
	)	
Petitioner,	)	Parcel No.: 46-01-15-376-004.000-023
	)	
v.	)	County: LaPorte
	)	
LaPorte County Assessor,	)	Township: Michigan
	)	
Respondent.	)	Assessment Year: 2023

---

November 19, 2024

**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. James A. Kujaca appealed the 2023 assessment of his lakefront property in LaPorte County. The Assessor had the burden of proof. The parties offered competing opinions of value from two appraisers. Kujaca also offered additional valuation evidence. We find that both appraisals are flawed and unreliable and that the totality of the evidence is insufficient to support any value. Thus, the prior year's assessment is presumed correct under the burden-shifting statute.

## PROCEDURAL HISTORY

2. The Petitioner filed a Form 130 appeal on May 9, 2023, appealing the 2023 assessment of his property located at 1608 Lakeshore Drive in Long Beach.
3. After a hearing on December 14, 2024, the LaPorte County Property Tax Assessment Board of Appeals (“PTABOA”) reduced the assessment to \$720,000 for land and \$140,000 for improvements for a total of \$860,000. The Petitioner filed a Form 131 petition with the Board on January 17, 2024.
4. On August 14, 2024, Dalene McMillen, the Board’s Administrative Law Judge (“ALJ”), held a telephonic hearing. Neither the Board nor the ALJ inspected the property.
5. James Kujaca, Chief Deputy Assessor Stacey Sweitzer, and Jon Snyder of Shoreline Appraisal Services, Inc. all testified under oath.
6. The Petitioner offered the following exhibits:

- |                       |   |
|-----------------------|---|
| Petitioner Exhibit 3: | December 14, 2023, PTABOA hearing business minutes, Letter from Kujaca to Sweitzer and Notification of Final Assessment Determination – Form 115 (“Form 115”),  |
| Petitioner Exhibit 4: | Two emails between Kujaca and Sweitzer, Kujaca’s written presentation, exterior photographs of 1600, 1604, 1606, 1608, and 1610 Lakeshore Drive, 2023 subject property record card (“PRC”), Petitioner’s details for calculation of assessed value, State Farm home insurance page, Versaw Earthworks Excavating & Trucking demolition proposal, summary of assessed values, summary sheet for appeal of assessment and photographs of 1608 and 1226 Lakeshore Drive, |
| Petitioner Exhibit 7: | Comparable land assessed values of 40-foot lake frontage on Lakeshore Drive,  |
| Petitioner Exhibit 8: | 19 interior and exterior photographs of the subject property,   |
| Petitioner Exhibit 9: | Petitioner’s written summary of zoning requirements, plat map, ordinance 0203 - §154.057 schedule of district   |

- regulations; setback, height, zoning, lot size and coverage and subject house floor plan,
- Petitioner Exhibit 10: Petitioner's written definition of driveway, two photographs of subject property and plat map,
- Petitioner Exhibit 11: Petitioner's written summary of topography issues, photographs of subject property, plat map, subject house floor plan, two aerial maps and subject property's retaining wall and note and retaining wall details,
- Petitioner Exhibit 12: Petitioner's written summary of "things that can cause a house to lose value," and WIN Home Inspection Report,
- Petitioner Exhibit 13: July 30, 2022, appraisal report of the subject property prepared by Louis Pezzuto of LaPorte County Appraisal Service,
- Petitioner Exhibit 14: Versaw Earthworks Excavating & Trucking demolition proposal,
- Petitioner Exhibit 15: State Farm home insurance page,
- Petitioner Exhibit 16: Petitioner's written summary of "on again, off again PRC changes W/O explanation" and 2020, 2021, 2022 and 2023 sketch area of the subject PRCs,
- Petitioner Exhibit 17: Comparison and photographs of 1530 and 1608 Lakeshore Drive, 2022 and 2023 Subject PRCs and 2020, 2021, 2022 and 2023 PRCs for 1530 Lakeshore Drive,
- Petitioner Exhibit 18: Exterior photographs of 1600, 1604, 1606, 1610, 1612 and 1614 Lakeshore Drive and the subject property,
- Petitioner Exhibit 19: Comparison of change in assessment improvements and comparison of change of total assessments of Lakeshore Drive properties,
- Petitioner Exhibit 20: Comparison of quality of design and distribution of grade of Lakeshore Drive properties,
- Petitioner Exhibit 23: Fannie Mae selling guide – B4-1.1-04 "Unacceptable Appraisal Practices,"
- Petitioner Exhibit 25: Petitioner's written summary of inconsistencies in neighborhood characteristics and three pages from the County's appraisal report,
- Petitioner Exhibit 26: Petitioner's written summary of mortgage rates, one page from County's appraisal report, Microsoft bing.com copilot article on 2023 mortgage rates, Investopedia chart "2023's Wild Ride for 30-Year Mortgage Rates and WBEZ Chicago article "2023 was the worst year to buy a house since the 1990s. But there's hope for 2024,"

- Petitioner Exhibit 27: Petitioner's written summary of the County's "Appraiser statements about 1608 that are wrong" and one page from the County's appraisal report,
- Petitioner Exhibit 28: Petitioner's written summary on error of weighted value and supplemental addendum page from the County's appraisal report,
- Petitioner Exhibit 29: Photographs of 2930 Lakeshore Drive and subject property and one page from the County's appraisal report,
- Petitioner Exhibit 30: Petitioner's written summary of site size difference between 2930 Lakeshore Drive and the subject property, price by lakefront footage for 40 ft., 50 ft., and 55 ft., comparison of lot size land values for Lakeshore Drive, PRC for 2930 Lakeshore Drive, 2023 subject PRC and exterior photograph and Microsoft copilot information on value of 50 ft. versus 40 ft. of lake frontage,
- Petitioner Exhibit 31: Petitioner's written summary on design, comparison of design/quality adjustments for subject property, 2930, 615 and 1226 Lakeshore Drive, comparison of design/quality adjustments for properties on Lakeshore Drive, 2930 Lakeshore Drive PRC and subject PRC,
- Petitioner Exhibit 32: Petitioner's written summary on quality of construction, exterior photographs of subject house and 2930 Lakeshore Drive and comparison of quality of construction for properties on Lakeshore Drive,
- Petitioner Exhibit 33: Petitioner's written summary on actual age, WIN Home Inspection letter and comparison of adjustment for differences in depreciation of property on Lakeshore Drive,
- Petitioner Exhibit 34: Petitioner's written summary on condition, photographs of 2930 Lakeshore Drive and the subject property, Microsoft copilot information on houses built in the 1920s, advertisement on cost to replace HVAC system, page on asbestos and information on electrical upgrades,
- Petitioner Exhibit 35: Petitioner's written summary on basement and finished rooms below grade, comparison of 2930 Lakeshore Drive and subject basements and estimated potential cost to finish a basement,
- Petitioner Exhibit 36: Petitioner's written summary on functional utility and floor plan sheet showing subject house and 2930 Lakeshore Drive,

- Petitioner Exhibit 37: Petitioner's written summary on energy efficient items, Microsoft copilot information on cost to insulate an attic and information on spray foam insulation,
- Petitioner Exhibit 38: Petitioner's written summary on garage/carport, photograph of driveways at 2930 Lakeshore Drive and subject property and Microsoft copilot information on two-car garage,
- Petitioner Exhibit 39: Petitioner's written summary on porch/patio/deck, photograph of decks and patio at 2930 Lakeshore Drive and subject property, estimate for building a deck, estimate for building a patio and sketch page of 2930 Lakeshore Drive PRC,
- Petitioner Exhibit 40: Petitioner's written summary on a fireplace, WIN home inspection letter, photograph of subject fireplace, estimate to replace fireplace chimney and email between Kujaca and Banic, Porter County,
- Petitioner Exhibit 41: Petitioner's written summary on net adjustment,
- Petitioner Exhibit 42: Multiple listing sheet ("MLS") and photographs of 1226 Lakeshore Drive,
- Petitioner Exhibit 43: Petitioner's written summary on failure to make necessary adjustments and information on "Assessment Difference Between a Single Story Home and a Two-Story,"
- Petitioner Exhibit 44: MLS for 8037 Lakeshore Drive,
- Petitioner Exhibit 47: Petitioner's written summary on a resolution, email between Kujaca and Banic, subject PRC sketch area, letter from Kujaca to Schultz, LaPorte County Assessor and Petitioner's "Appraised Value Using Additional Adjustment,"
- Petitioner Exhibit 48: Petitioner's written summary of appraisal of 2949 Dudley Drive in Porter, Indiana, MLS and five photographs of 2949 Dudley Drive, Real Property Assessment Guideline, Appendix A, page 23, 26 and 28.<sup>1</sup>

7. The Respondent offered the following exhibits:

- Respondent Exhibit A: Form 115,  
Respondent Exhibit B: 2023 subject PRC,

---

<sup>1</sup> Kujaca submitted Petitioner Exhibits 1, 2, 5, 6, 21, 22, 24, 45 and 46 prior to the hearing but did not offer them into evidence.

Respondent Exhibit C: January 1, 2023, appraisal report of the subject property prepared by Jon Snyder of Shoreline Appraisal Services Inc.

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) a digital recording of the hearing.

### **OBJECTIONS**

9. The Assessor made a “blanket” objection to Petitioner’s Exhibits 9, 13, 17, 20, 23, 25, 26, 29-44, and 48 on the grounds of authenticity and foundation, hearsay, and relevance. The Petitioner responded that the information contained within the exhibits was from reputable and reliable sources and that some of the information was obtained from the Assessor’s office. The ALJ took the objections under advisement.
10. We first note that blanket objections are not preferred. To the extent the Assessor failed to provide cogent argument based in the rules of evidence for why a specific exhibit should not be admitted, any challenge as to the admissibility of that exhibit is waived. When making the objection, the Assessor’s counsel even stated that only “some” of the 24 exhibits covered under the blanket objection suffered from each of the alleged deficiencies. It is not the role of the Board to comb through the record and speculate as to what grounds the Assessor believes each exhibit should be excluded under. In addition, we note that we do not strictly apply the rules of evidence. 53 IAC 4-6-9(a). Our procedural rules also allow us to admit hearsay, with the caveat that we cannot base our final determination solely on hearsay that has been properly objected to and that does not fall within a recognized exception to the hearsay rule. 52 IAC 4-6-9(d). For these reasons, we overrule the Assessor’s “blanket” objection to the Petitioner’s exhibits.
11. The Assessor did specifically object to Petitioner’s Exhibits 34 through 40 on the grounds that there was an issue with “relevancy and weight.” The threshold for relevance is very low and we find the exhibits meet that standard. And as the Assessor seems to

acknowledge, the objections go more to the weight of the evidence rather than their admissibility. Thus, we overrule the objections and admit the exhibits.

### FINDINGS OF FACT

12. The subject property is a one-story frame home built in 1920 located on a 40 ft. by 150 ft. lot on Lake Michigan in Long Beach. WIN Home Inspection prepared an inspection report of the home as of February 5, 2024. As evidenced by the inspection report, the property suffers from several major issues including damaged siding, deteriorating windows, movement to the foundation, water penetration to the basement, a non-functional fireplace, obsolete and unsafe electrical service, and a deteriorating HVAC system in need of service. *Kujaca testimony; Pet'r Ex. 12; Resp't Ex. B.*
13. The Petitioner presented an appraisal prepared by Louis Pezzuto of LaPorte County Appraisal Service that estimated the market value of the subject property as of July 30, 2022. To arrive at his opinion of value, Pezzuto developed the sales-comparison approach. He concluded to a value of \$601,000. The print quality of the exhibit is poor, and much of the exhibit is illegible. We are unable to determine from the exhibit whether Pezzuto made any adjustments at all to the sale prices of the comparables much less the amount or basis for any adjustments he may have made. For these reasons, we do not find the Pezzuto report to be a credible opinion of value. *Kujaca testimony; Pet'r Ex. 13.*
14. Kujaca also presented his own estimates of value. Kujaca has a degree in Civil Engineering from Purdue University and an MBA from the University of Chicago. He has been licensed as a real estate broker in the State of Indiana. He has also published articles about real estate and taught courses involving real estate and real estate appraisals at the Indiana University Northwest Campus. *Kujaca testimony; Pet'r Ex. 4.*
15. Kujaca first calculated a value for his property using the cost approach based on the mass appraisal guidelines. He began with the "previously established" variables from the prior assessment and then applied adjustments for cost to build new. This resulted in an

improvement value of \$47,182. Next, he added the land value from the current assessment of \$720,000. This resulted in a total value of \$767,182. But it is insufficient to rely on the mass appraisal guidelines to support an opinion of value. In addition, Kujaca did not present a reliable estimate of the value of the land using market-based evidence and generally accepted appraisal techniques. For these reasons, we do not find Kujaca's cost approach estimate to be a credible opinion of value. *Kujaca testimony; Pet'r Ex. 16.*

16. In addition, Kujaca calculated a value on the premise that the house had only "teardown" value and thus was decreasing the value of the land. He began with the current land assessment of \$720,000 and subtracted \$30,000 based on an estimate of demolition costs. This resulted in a value of \$690,000. Given the poor condition of the home, it is certainly plausible that a typical buyer would buy subject property with the intent to demolish the building. But even were that the case, Kujaca again failed to present a reliable estimate of the value of the land using market-based evidence. For that reason, we find that his "teardown" estimate is not a credible opinion of value. *Kujaca testimony; Pet'r Ex. 4.*
17. The Assessor presented an appraisal report prepared by Jon Snyder of Shoreline Appraisal Services, Inc. He estimated the market value of the subject property as of January 1, 2023, and certified that his appraisal complied with the Uniform Standards of Professional Appraisal Practice ("USPAP"). Snyder only inspected the exterior of the subject property. He rated the condition as average and gave the property an effective age of 20 years. To arrive at his opinion of value, Snyder developed the sales-comparison approach. He selected five comparable properties that sold for prices ranging from \$750,000 to \$1,225,000. Three comparables sold in 2020, one sold in 2021, and the remaining comparable sold in 2022. They ranged in age from 31 years to 93 years. He adjusted the sales for factors such as basement and below grade living area, garage size, room count, gross living area, condition, and site size. He made no adjustments for date of sale or market conditions. After adjustment, the sale prices ranged from \$689,150 to \$1,190,000. He concluded to a value of \$860,000. We find that Snyder failed to



adequately address the poor condition of the subject property or sufficiently relate his comparable sales to the valuation date. For these reasons, we find that Snyder did not present a credible opinion of value. *Snyder testimony; Resp't Ex. C.*

18. The subject property's current assessment of \$860,000 is an increase of approximately 13.3% over the prior year's assessment of \$759,000. *Resp't Ex. B.*

#### **RESPONDENT'S CONTENTIONS**

19. Sweitzer testified that the Pezzuto appraisal was flawed because the appraiser did not adjust for time, size, year built, or any other differences between the comparables and the subject property. She also noted that the appraisal was completed prior to the effective date of assessment. *Sweitzer testimony; Pet'r Ex. 13.*
20. The Assessor argued that the Snyder appraisal was the only reliable evidence in the record of the value of the subject property as of the assessment date. For that reason, the Assessor asked the Board to adopt the value from that appraisal of \$860,000. *Resp't Ex. B.*

#### **PETITIONERS' CONTENTIONS**

21. In addition to the appraisal report and his own estimates of value, Kujaca also claimed the current assessment failed to adequately consider the declining condition of the subject property. He noted that several changes were made to the assessment from year to year without explanation or justification. *Kujaca testimony; Pet'r Exs. 8-11, 12, 16, and 40.*
22. Turning to the Snyder appraisal, Kujaca argued that it suffered from numerous flaws. These included:
  - Using comparables from different counties.
  - Failing to adjust for date of sale despite changing market conditions.
  - Failing to adjust for lake frontage and view.

- Inadequate or missing adjustments for many other factors such as condition, number of stories, and quality of construction.

Kujaca then developed his own adjustments using a combination of sources including his own analysis and artificial intelligence (“AI”). After applying these adjustments, he concluded that Snyder should have determined a value of \$673,000. *Kujaca testimony; Pet’r Exs. 25-41, 47-48.*

23. Finally, Kujaca compared the subject property’s 2023 assessment with the assessment of a neighboring property. He testified that the adjacent property is a superior two-story home with additional amenities that has a lower assessment for the improvements. He also noted that the adjacent property’s improvements assessment had fluctuated between negative 6.2% to positive 10.8%, while the subject improvements increased 259%. Kujaca argued this demonstrated that the assessments are not uniform and equitable in the neighborhood. *Kujaca testimony; Pet’r Exs. 17-20.*

#### **BURDEN OF PROOF**

24. 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.” Indiana Code § 6-1.1-15-20(a) (effective March 21, 2022).
25. 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.*
26. 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).

27. Here, the assessment under appeal is an increase of approximately 13.3% over the prior year's assessment. Thus, the Assessor has the burden of proof.

#### ANALYSIS

28. The Indiana Board of Tax Review is 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 of a property's true tax value “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).
29. 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, true tax value is found 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.
30. 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.

31. 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 2023 assessments, the valuation date was January 1, 2023. I.C. § 6-1.1-2-1.5(a).
32. As discussed above, the Assessor had the burden of proof and relied on a USPAP certified appraisal prepared by Jon Snyder. A market value-in-use appraisal prepared according to USPAP often will be probative. *Kooshtard Property VI, LLC v. White River Township Assessor*, 836 N.E.2d 501, 506 n.6 (Ind. Tax Ct. 2005). In addition, an appraiser’s credentialed expertise can serve as additional support for the various subjective judgments that go into developing an opinion of value. But even a USPAP-certified appraisal can be insufficient to prove a value if the evidence shows that the appraiser failed to properly analyze the subject property or make appropriate adjustments.
33. In this case, Kujaca made several valid criticisms of the Snyder appraisal. In particular, we find Snyder failed to properly consider the water damage and unsafe electrical wiring. This failure is most evident in Snyder’s conclusion that the home, which is over 100 years old, has an effective age of 20 years and is in average condition. We find this conclusion to be unsupported and that it significantly affected his overall opinion of value. In addition, as Kujaca points out, three of Snyder’s five sales were from 2020, over two years before the relevant assessment date, yet Snyder made no adjustments for market conditions or date of sale. Nor was there any suitable explanation for why these adjustments were omitted. All evidence must be affirmatively related to the relevant

valuation date. *Nova Tube Ind. II LLC v. Clark County Assessor*, 101 N.E.3d 887, 895 (Ind. Tax Ct. 2018). Snyder's failure to relate his comparable sales to the relevant valuation date seriously detracts from the reliability of his opinion. For these reasons, we find the Snyder appraisal is not credible evidence of value.

34. We now turn to Kujaca's evidence. He made several criticisms of how the Assessor developed the assessment. 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*, 841 N.E.2d at 678. Kujaca also criticized how the assessment had changed over several years. But as the Tax Court has explained, "each tax year-and each appeal process-stands alone." *Fisher v. Carroll Cnty. Ass'r*, 74 N.E.3d 582, 588 (Ind. Tax Ct. 2017). Absent the application of the burden-shifting statute, the subject property's assessment in years not under appeal is of little relevance. Rather, the focus is what the value should be as of the relevant assessment date—in this case January 1, 2023.
35. Kujaca did offer some market-based evidence in the form of the Pezzuto appraisal, but it is not reliable evidence because parts are illegible or incomplete. In addition, as the Assessor points out, there is no indication that Pezzuto made any adjustments at all to the comparables. For these reasons, we find that the Pezzuto appraisal is not credible evidence of value.
36. Kujaca also presented a cost approach and a "teardown" value for the subject property. But these valuations relied on the current land assessment. Some of his analysis was also based on the mass appraisal methodology for the improvements. As discussed above, parties need to provide market-based evidence for the value of the entire property. It is insufficient to rely on the guidelines to value the land or the improvements. Instead, Kujaca needed to present reliable market-based evidence that established a value for the entire property.

37. In addition, Kujaca presented a value he derived from modifications of the Snyder appraisal. As discussed above, we do not find the Snyder appraisal to be credible evidence, nor do we find it can be rendered credible by Kujaca's proposed adjustments. In addition, Kujaca cited the source for several of his modified adjustments as "AI." While artificial intelligence could certainly be a useful tool for an expert to use in developing an opinion, it is insufficient to simply say an adjustment was based on AI. Rather, a party seeking to use such evidence would need to demonstrate how the AI system derived the value, what data it used, and that it was a generally accepted technique for appraising this type of property. Because Kujaca did not provide any such supporting evidence, we find his modification of the Snyder appraisal to be unreliable. While Kujaca has substantial learning and experience, we are not persuaded his analysis complied with generally accepted appraisal practices in the manner of a USPAP compliant appraisal.
38. Finally, Kujaca argued that his assessment was unfair compared to other similar properties. We take this as a challenge to the uniformity and equality of the assessment as mandated by I.C. § 6-1.1-2-2 and Article 10 of the Indiana Constitution. As the Tax Court has explained, "when a taxpayer challenges the uniformity and equality of his or her assessment one approach that he or she may adopt involves the presentation of assessment ratio studies, which compare the assessed values of properties within an assessing jurisdiction with objectively verifiable data, such as sales prices or market value-in-use appraisals." *Westfield Golf Practice Center v. Washington Twp. Ass'r*, 859 N.E.2d 396, 399 n.3 (Ind. Tax Ct. 2007) (emphasis in original). Such studies, however, should be prepared according to professionally acceptable standards. *Kemp v. State Bd. of Tax Comm'rs*, 726 N.E.2d 395, 404 (Ind. Tax Ct. 2000). They should also be based on a statistically reliable sample of properties that actually sold. *Bishop v. State Bd. of Tax Comm'rs*, 743 N.E.2d 810, 813 (Ind. Tax Ct. 2001) (citing *Southern Bell Tel. and Tel. Co. v. Markham*, 632 So.2d 272, 276 (Fla. Dist. Co. App. 1994)).

39. When a ratio study shows that a given property is assessed above the common level of assessment, the property's owner may be entitled to an equalization adjustment. See *Dep't of Local Gov't Fin. v. Commonwealth Edison Co.*, 820 N.E.2d 1222, 1227 (Ind. 2005) (holding that taxpayer was entitled to seek an adjustment on grounds that its property taxes were higher than they would have been if other property in Lake County had been properly assessed). The equalization process adjusts the property assessments so "they bear the same relationship of assessed value to market value as other properties within that jurisdiction." *Thorsness v. Porter County Assessor*, 3 N.E.3d 49, 52 (Ind. Tax Ct. 2014) (citing *GTE N. Inc. v. State Bd. of Tax Comm'rs*, 634 N.E.2d 882, 886 (Ind. Tax Ct. 1994)). Article 10, Section 1 (a) of Indiana's Constitution, however, does not guarantee "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).
40. As discussed above, one of the requirements for a reliable ratio study is a comparison between the assessments used and objectively verifiable market data such as sale prices or appraisals. But Kujaca did not demonstrate that he provided a statistically reliable sample of properties, nor did he provide objectively verifiable market-based evidence for the value of the subject property or the purportedly comparable property. For these reasons, he has failed to show he is entitled to any relief.

### CONCLUSION

41. Because the subject property's assessment increased by more than 5% over the prior year's assessment, and none of the exceptions apply, the current assessment is not presumed correct according to I.C. § 6-1.1-15-20. The Assessor had the burden of proof but failed to make a case supporting any value. Likewise, the Petitioner failed to present reliable evidence showing the value of the subject property. Because the totality of the evidence is insufficient to support any value, the prior year's assessment is presumed

correct. Thus, we order the assessment reduced to the prior year's value of \$759,000.

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>.