

REPRESENTATIVE FOR PETITIONER: Ayn Engle, Attorney
Ricardo Hall, Attorney

REPRESENTATIVE FOR RESPONDENT: John Reed, Attorney

**BEFORE THE
INDIANA BOARD OF TAX REVIEW**

LAKE COUNTY ASSESSOR,)	Petition No.: 45-036-16-1-4-00420-24
)	
Petitioner,)	
)	Parcel No.: 45-11-17-103-001.000-036
v.)	
)	
MUNSTER MEDICAL RESEARCH)	County: Lake
FOUNDATION, INC.,)	
)	
Respondent.)	Assessment Year: 2016

FINAL DETERMINATION

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

Findings of Fact and Conclusions of Law

Introduction

1. In this assessment appeal, we find by a preponderance of the evidence that the subject property's true tax value was \$1,300,000. We therefore order that the assessment be increased to that value.

Procedural History

2. On May 24, 2017, Munster Medical Research Foundation, Inc. filed a Form 130 petition contesting the subject property's 2016 assessment.¹ On June 11, 2024, the Lake County Property Tax Assessment Board of Appeals ("PTABOA") issued a decision lowering the assessment from \$1,365,800 (\$557,400 for land and \$808,400 for improvements) to \$557,400 (\$557,300 for land and \$100 for improvements). *See Ex. P-2 at 25; Form 115.* On July 24, 2024, the Lake County Assessor appealed to us.
3. On September 18, 2025, our designated administrative law judge, Joseph Stanford ("ALJ"), held a telephonic hearing on the Assessor's petition. Neither he nor the Board inspected the subject property. Ayn Engle and Ricardo Hall appeared as counsel for the Assessor. John Reed appeared as counsel for Munster Medical. David Hall, a certified appraiser, and Chris Manojlovich, Munster Medical's corporate controller, testified under oath.
4. The Assessor submitted the following exhibits:
 - Exhibit P-1: Appraisal report signed by David Hall and Michael Lady,
 - Exhibit P-2: Addenda to Hall's appraisal report,
 - Exhibit P-3: Sales disclosure form.
5. Munster Medical submitted the following exhibits:
 - Exhibit 1: Quitclaim deed,
 - Exhibit 2: Bill of sale,
 - Exhibit 3: Demolition proposal,
 - Exhibit 4: Scope of demolition work,
 - Exhibit 5: Demolition payment check stub,
 - Exhibit 6: Demolition payment check (account numbers redacted),
 - Exhibit 7: Notice summarizing assessments and taxes for 2014-pay-2015.

¹ In response to our July 24, 2024, Notice of Defect requesting a copy of the Form 130, the Assessor sent us portions of two separate petitions: (1) the first page of a petition challenging the property's 2016 assessment, which was signed May 24, 2017, and (2) the second page of a petition alleging an error in "[t]he approval, denial, or omission of a deduction, credit, exemption, abatement, or tax cap," which was signed May 23, 2018. The Assessor has appealed only from the Lake County Property Tax Assessment Board of Appeals' determination on Munster Medical's 2016 assessment appeal.

6. The record also includes the following: (1) all petitions or other documents filed in this appeal, including the parties' post-hearing briefs, (2) all notices and orders issued by the Board or the ALJ, and (3) an audio recording of the hearing.

Objections

7. The ALJ took two objections under advisement, which we now address.
8. First, the Assessor objected to the admission of Munster Medical's Exhibits 2-7² because Munster Medical (1) did not exchange an exhibit list until Friday, September 12, and (2) did not provide her with copies of the exhibits until Monday, September 15, which was only three days before the hearing. Munster Medical acknowledged that counsel had inadvertently failed to attach the exhibits to his September 12 email that included Munster Medical's witness and exhibit list. But it argued that the Assessor would not be prejudiced by admitting the exhibits.
9. We overrule the objection. To promote settlement and avoid unfair surprise, our procedural rules require parties to exchange witness and exhibit lists at least fifteen business days before a hearing and copies of documentary evidence at least five business days before a hearing. 52 Ind. Admin. Code 4-8-1(a)-(b) (2025). We *may* exclude evidence based on a party's failure to comply with those exchange deadlines. 52 IAC 4-8-1(f).
10. We find that Munster Medical's tardiness in exchanging its exhibit list and exhibits did not substantially prejudice the Assessor. The exhibits were not voluminous, and the Assessor did not explain why receiving them three, rather than five, business days before the hearing created the type of unfair surprise our rules were created to avoid. Had the

² Despite nominally objecting to all Munster Medical's exhibits, the Assessor indicated she "probably would be okay" with admitting Exhibit 1: the quitclaim deed from Munster Medical's purchase of the subject property. The Assessor also initially indicated that she would probably be okay with Exhibit 2: the bill of sale for Munster Medical's purchase of personal property located at the subject property. But she later clarified that the bill of sale was not a public record and that she had not previously seen it.

Assessor needed additional time to address the exhibits, she could have sought a less drastic remedy than exclusion, such as a short continuance. We therefore admit the exhibits over the Assessor's objection.

11. Next, Munster Medical objected to a question from the Assessor during her cross-examination of Munster Medical's controller, Chris Manojlovich. On direct, Manojlovich had referenced a Pepe's restaurant located across the street from the subject property. The Assessor asked Manojlovich to confirm he had provided nothing to show the overall comparability of the Pepe's property to the subject property. Munster Medical objected on grounds that we may take judicial notice of everything in the Assessor's records.
12. We overrule the objection. Our procedural rules give us discretion to take official notice of specified items, including "[a]ny fact that could be judicially noticed in the courts." 52 Ind. Admin. Code 4-6-11(a) (2025); *CVS Corp. v. Monroe Cnty. Ass'r*, 83 N.E.3d. 1281, 1283-84 (Ind. Tax Ct. 2017) (interpreting "may" in former 52 IAC 2-7-4 (now 52 IAC 4-6-11) as discretionary regarding official notice of prior records). But Munster Medical did not ask us to take official notice. Simply asserting our ability to do so in the context of an objection does not suffice.
13. And it is far from clear that we would have the authority to notice facts from the Assessor's records. *See* Ind. Evidence Rule 202(a) (permitting judicial notice of facts either generally known within the jurisdiction or readily verifiable from highly accurate sources). Regardless, Munster Medical did not point to any specific facts from those records, much less to any facts that would show the overall comparability between the subject property and the Pepe's property. And it did not supply us with any of the Assessor's records for the Pepe's property. So even if we were to consider Munster's

objection as a request that we take official notice of the Assessor's records, we would decline that request.³

Findings of Fact

A. The Subject Property

14. The subject property is located at the intersection of U.S. Highway 30 and St. John Road in Schererville. It has frontage along and is directly accessible from both roads. It was zoned as C-3 and P.O., which allowed a broad range of commercial retail uses, as well as professional- and medical-office uses. *Hall testimony; Ex. P-1 at 40-46.*
15. As of January 1, 2016, the property included an approximately 1.95-acre lot with a vacant 8,518-square-foot building that had previously been used as a restaurant. It also had paved parking areas. The building was constructed in 1985 and had been vacant since 2012 or 2013. *Hall testimony; Ex. P-1 at 2, 5-6, 39-40, 48-50.*
16. Paragon Family Restaurant and Banquets, Inc. previously owned the property. In Spring 2013, the property was listed for sale with an asking price of \$1.6 million. U.S. Bank, NA, foreclosed on the property, and it was sold to SA Group Properties, Inc. for \$1,280,000 in June 2015. The sheriff's deed conveyed the real estate "as is" along with all fixtures and personal property. *Ex. P-1 at 5-6.*
17. Given (1) the property's zoning, and (2) the fact that SA Group bought it for resale, we find that its use on the assessment date is best described as a commercial property held for investment.

³ The Assessor also objected to a question Munster Medical posed to David Hall on cross-examination. But Hall never answered the question. Instead, when asked to repeat the question after the ALJ took the objection under advisement, Munster Medical asked a different question, to which the Assessor did not object. This mooted the Assessor's objection to the original question.

18. On April 26, 2016, SA Group sold the subject property, via quitclaim deed, to Munster Medical for \$975,000. The deed released all of SA Group's "right, title, and interest, in and to" the property, but it did not include any warranties of title. The sale price did not include any amount attributable to personal property. Munster Medical also received a bill of sale from SA Group that conveyed all of SA Group's interest in personal property located at the real estate. Munster paid approximately \$25,000 for the personal property, although there is no evidence as to what that property was. *Manojlovich testimony; Ex. P-3; Ex. 1.*
19. Munster Medical bought the subject property with the intent of demolishing the restaurant to build and operate a medical facility. It was primarily motivated by the property's strategic location in relation to competing medical facilities, which Manojlovich claimed made the property more valuable to Munster Medical than to an average buyer. SA Group's owners were in prison at the time, and Manojlovich characterized that as a hurdle in the negotiation process. *Manojlovich testimony.*
20. Shortly before buying the property, Munster Medical solicited bids for demolishing the building. It ultimately paid \$68,435 for the demolition, which was completed a little more than three months after the sale. We find that a buyer of the subject property on the assessment date would have anticipated approximately the same cost of demolition as what Munster Medical ultimately paid. *Manojlovich testimony; Exs. 3-6.*

B. Assessments

21. The subject property was assessed for \$1,365,900 in 2015. The assessment dropped slightly to \$1,365,800 in 2016 before the PTABOA substantially lowered it to \$57,400 on appeal. *Ex. P-2 at 25.*
22. According to Manojlovich, a Pepe's restaurant across the street from the subject property had a land assessment that equaled a little more than \$204,000/acre. He did not further

describe the Pepe's property. And Munster Medical did not offer a property record card or any other document relating to that property. *Manojlovich testimony*.

C. Hall's Appraisal

23. The Assessor hired David Hall and Michael Lady to appraise the subject property and prepare a report. Hall and Lady are certified appraisers in Indiana and both are MAIs, which Hall testified is The Appraisal Institute's highest designation for a commercial appraiser. Hall was primarily responsible for the appraisal report, although he consulted with Lady and Lady did a final review of the report. For ease of reference, we will refer to the report and to the analyses and opinions contained therein as Hall's. *Hall testimony; Ex. P-1 at cover letter, 110.*

24. Hall certified that he formed his valuation opinion and prepared the report in conformity with the Uniform Standards of Professional Appraisal Practice ("USPAP"). He also cited *The Appraisal of Real Estate* (15th ed.) throughout his report. Hall developed an opinion of the market value-in-use for the fee-simple interest in the subject property as of January 1, 2016. He described the property's use on that date as "a vacant former restaurant." He also looked at the property's highest-and-best use, both as vacant and improved. He determined that commercial use was its highest-and-best use as vacant. As improved, he found that its current use was its highest-and-best use on an interim basis, but that redevelopment for a new commercial use was its highest-and-best use long-term. *Hall testimony; Ex. P-1 at 7-8, 59, and 62-64, 67.*

25. Hall did not view either the sheriff's sale in which SA Group bought the subject property or the later sale from SA Group to Munster Medical as indicative of the property's market value-in-use. He explained that the first sale was a forced auction. Those sales normally involve atypical motivations and little exposure to the market. He similarly offered two main reasons for why he did not rely on the second sale. First, Munster Medical bought the property intending to demolish the improvements and change its use to something that Hall did not view as similar to a restaurant. Second, he indicated that

nonprofit organizations, like Munster Medical, do not typically buy real estate as an investment or to turn a profit, but rather to accommodate their nonprofit use. *Hall testimony.*

26. Hall considered the three standard approaches to value (cost, sales-comparison, and income) but ultimately relied on the sales-comparison approach to estimate the property's value. He excluded the cost approach because the building contributed little, if anything, to the property's value. The building had been vacant and was nearing the end of its economic life. Hall assumed it was in fair-to-poor condition. As for the income approach, Hall did not have enough information to verify historical building characteristics as of 2016. And other lease transactions probably would not have been relevant because they typically involve buildings with significant remaining useful lives. Hall, however, believed he had sufficient data to determine the subject property's value using the sales-comparison approach. *Hall testimony; Ex. P-1 at 12.*

27. Turning to that approach, Hall viewed his assignment as "novel" for two reasons. First, although he had appraised properties with vacant buildings before, he had never done so for a property tax appeal where the valuation standard is market value-in-use. Second, he knew that Munster Medical had bought the property, demolished the improvements, and redeveloped the property into a medical office building. *Hall testimony.*

28. Hall believed the best way to approach the assignment would be to find sales of comparable properties with uses as close to his classification of the subject property's use as possible but to also get a handle on the underlying land value. That led him to apply four separate analyses: (1) an analysis using sales of vacant restaurants with price per square foot of building area as the unit of comparison; (2) an analysis of those same properties using price per acre as the unit of comparison; (3) an analysis of local land sales; and (4) a simple-linear-regression analysis using sales of commercial properties bought for redevelopment. *Hall testimony; Ex. P-1 at 65-105.*

29. When asked on cross examination why he did not also consider the assessed values of nearby properties, Hall explained that basing his valuation opinion on assessments, which may or may not reflect market value or market value-in-use, is neither typical in appraisal practice nor required by generally accepted appraisal principles. It would also likely violate USPAP, and it would result in him not providing an independent valuation opinion. *Hall testimony.*
30. For his first analysis, Hall could not find sufficient sales of vacant former restaurants in the subject property's immediate market. He therefore expanded his search to include the entire state of Indiana. He ultimately identified five sales: two from Ft. Wayne and one each from Indianapolis, Merrillville, and Richmond. The buyers all converted the properties to different commercial uses. In four of the five instances, they razed the existing building after the sale. In the other instance, the building was razed while the parties were negotiating the sale. *Hall testimony; Ex. P-1 at 67-69.*
31. The properties sold between April 2010 and June 2016, for unit prices ranging from \$121.25/sq. ft. to \$170.23/sq. ft. They bracketed the subject property in terms of locational desirability, building size, site size, and building age. That bracketing helped Hall establish a clear value range that he could then narrow through the adjustment process. *Hall testimony; Ex. P-1 at 67-69, 78.*
32. For that process, Hall considered adjusting the sale prices to account for transactional differences between those sales and the posited sale of the subject property as well as for differences in relevant characteristics between the properties. Starting with the transactional adjustments, Hall considered whether to adjust the sale prices to account for expenditures made immediately after purchase. As explained in *The Appraisal of Real Estate*, a knowledgeable buyer considers expenditures that will have to be made upon purchase because those costs affect the price. While the buyers from Hall's comparable sales bought the properties for redevelopment and razed the buildings, they did not

disclose the demolition costs. Hall therefore did not think he had sufficient data to quantify an adjustment. *Hall testimony; Ex. P-1 at 72-77.*

33. But Hall had sufficient data to adjust for differences in market conditions between the sale dates for his comparable properties and January 1, 2016. He examined trends in asking rent, vacancy, sale prices, and capitalization rates for restaurants in Lake County and across Indiana, as well as for retail properties in the subject property's primary market area. From that data, he estimated 5% annual appreciation between 2010 and 2016, and he adjusted the sale prices accordingly. *Hall testimony; Ex. P-1 at 28-38, 73, 77.*
34. Moving to property characteristics, Hall considered several elements of comparison and determined that adjustments were necessary for differences in location, access and exposure, and building size. For his location adjustments, he examined demographic data in the areas surrounding each property as well as data regarding supporting and complimentary property uses. For access and visibility, he considered the properties' proximity to arterial roads or highways, their visibility and orientation, and their accessibility from roadways. Finally, for building size, he considered the inverse relationship between size and sale price. He employed qualitative and quantitative techniques in making his adjustments, both of which are commonly used in appraisal practice. *Hall testimony; Ex. P-1 at 72-77.*
35. The adjusted sale prices ranged from \$148.59/sq. ft. to \$177.03/sq. ft., with an average of \$161.24/sq. ft. Hall settled on \$160/sq. ft. or \$1,360,000 (rounded) for the subject property. *Hall testimony; Ex. P-1 at 77-78.*
36. For his second analysis, Hall used the same five comparable sales from his first analysis but compared them in terms of price per acre instead of price per square foot of building area. Because the buyers demolished the buildings, he believed they likely placed significant weight on the land value. He considered the same elements of comparison as

in his first analysis, except for the elements relating to the buildings. The adjusted sale prices ranged from \$469,241/acre to \$875,190/acre, with an average of \$693,021/acre. Hall settled on a value of \$700,000/acre or \$1,370,000 (rounded) for the subject property. *Hall testimony; Ex. P-1 at 79-88.*

37. For his third analysis, Hall used five sales of vacant land from Lake County: three from Dyer and one each from Merrillville and St. John. The buyers developed the sites for various commercial uses, including carwashes, a grocery store, an oil-change facility, and a Goodwill store. The sites bracketed the subject site's size, ranging from 1.03 to 2.33 acres. They also bracketed it in terms of access and exposure. They sold between August 2008 and May 2016 for unit prices ranging from \$439,698/acre to \$815,603/acre. *Hall testimony; Ex. P-1 at 89-92, 98.*

38. Hall considered the same elements of comparison as he had considered in his second analysis. He used the same rate of appreciation between 2010 and 2016 for his market-conditions adjustment. For the 2008 sale, however, he also accounted for market depreciation between 2008 and 2010. As for the property-related elements, the only adjustments he found were warranted related to access and exposure. Hall also considered each site's physical characteristics, which he had not included as a distinct element of comparison in his other two analyses. He adjusted two sale prices downward by 20% because the properties benefitted from shared use of offsite improvements, including entrance drives and parking lots, that contributed to functional utility. *Hall testimony; Ex. P-1 at 89-98; Ex. P-2.*

39. The adjusted prices ranged from \$614,259/acre to \$741,383/acre, with an average of \$697,881/acre. As with his second analysis, Hall settled on a value of \$700,000/acre or \$1,370,000 (rounded) for the subject property.

40. For his last analysis, Hall used sales of four improved commercial properties from Lake County that were bought for redevelopment. Two had been used as automobile

dealerships, another had been a gas station/convenience store, and the last one had been a gas station. The sites ranged from 0.5 to 13.08 acres. Once again, the buyers razed the improvements shortly after the sales. The properties sold between October 2011 and August 2015 for unit prices ranging from \$302,254/acre to \$1,260,000/acre.

41. After adjustments for market conditions, the sale prices ranged from \$338,525/acre to \$1,285,200/acre, with an average of \$763,400/acre. Hall then applied a simple linear regression analysis to each property where the independent variable was site size (in acres), and the dependent value was adjusted price per acre. He found that the trend line indicated a price of approximately \$850,000/acre for a 1.95-acre site like the subject property. Hall reconciled that data to an indicated value of \$800,000/acre or \$1,560,000 for the subject property. *Hall testimony; Ex. P-1 at 99-105; Ex. P-2.*
42. In reconciling his conclusions under the four analyses, Hall gave the least weight to his last analysis, which he characterized as a “check on value,” or “another test of reasonableness.” While the other three analyses indicated a value between \$1,360,000 and \$1,370,000, Hall believed that market participants would not round to a value as precise as \$1,365,000. He therefore settled on a value of \$1,360,000. *Hall testimony; Ex. P-1 at 106.*
43. As discussed in more detail below, we find Hall generally credible. He is an experienced and qualified appraiser. He complied with USPAP and he applied a generally accepted valuation methodology to estimate the subject property’s market value-in-use as of the relevant January 1, 2016, valuation date. While he nominally characterized the property’s use as a vacant former restaurant, his analyses functionally treated the property as a commercial property held for investment. He also generally chose good substitutes for the subject property in his sales-comparison analyses, and he made reasonable, market-supported adjustments to their sale prices.

44. That said, we find that Hall's first analysis was not a good indicator of the subject property's value. While his conclusions under the second and third analyses were sufficient to support a finding of the property's true tax value, the most persuasive evidence of that value is shown by subtracting the rounded cost for demolishing the subject building from Hall's value conclusion under his third analysis, where he used sales of nearby vacant commercial sites.

Analysis

A. The preponderance of the evidence demonstrates that the subject property's true tax value was \$1,300,000.

45. The Assessor is the petitioner before us. *See* Ind. Code § 6-1.1-15-3(c) (2026) (allowing a county assessor who dissents from a county board's determination to obtain review). She therefore bears the burden of proving the subject property's true tax value by a preponderance of the evidence. *See* Ind. Code § 6-1.1-15-4(j) (2026) (providing that our findings must be based on a preponderance of the evidence).⁴
46. Property in Indiana is assessed based on its "true tax value," which is determined under the rules of the Department of Local Government Finance ("DLGF"). Ind. Code §§ 6-1.1-31- 5(a), -6(f) (2016). 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). 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

⁴ The Assessor's appeal is not governed by Indiana Code § 6-1.1-15-20 or Indiana Code § 6-1.1-15-17.2, both of which address the burden of proof. The first statute applies only to appeals that were filed after March 22, 2022. Ind. Code § 6-1.1-15-20(h) (eff. Mar. 21, 2022) (providing that the statute applies only to appeals filed after its effective date). And Munster Medical started the appeal process by filing its Form 130 petition with the Assessor well before that date in May 2017. Although the second statute has been repealed, it continued in effect for all appeals that were filed before its repeal and that remained pending afterward. *Elkhart Cnty. Ass'r v. Lexington Square, LLC*, 219 N.E.3d 236, 244 (Ind. Tax Ct. 2023). But it applied only where (1) the assessment under appeal represented an increase of more than 5% over the prior year's assessment as last determined by an assessing official or reviewing authority or as stipulated to by the parties, or (2) where the taxpayer successfully appealed the prior year's assessment and the assessment under review was higher than what was determined in that earlier appeal. Ind. Code § 6-1.1-15-17.2 (a)-(b), (d) (2016) (repealed 2022). Neither circumstance exists here. Both the Assessor's original 2016 assessment of \$1,365,800 and the PTABOA's determination of \$557,400 were lower than the 2015 assessment of \$1,365,900.

property for its current use, as reflected by the utility received by the owner or by a similar user, from the property.” 2011 REAL PROPERTY ASSESSMENT MANUAL at 2.⁵

47. To establish a property’s true tax value, parties “must present objectively verifiable, market-based evidence” of the property’s value. *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 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.
48. 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 2016 assessments, the valuation date was January 1, 2016. Ind. Code § 6-1.1-2-1.5(a) (2016).
49. The Assessor relied on Hall’s appraisal. We find Hall generally credible. He is an experienced and qualified appraiser who was faced with an unusual assignment: estimating the market value-in-use of a property with a restaurant building that was nearing the end of its useful life and that had been vacant for several years leading up to

⁵ The 2011 Manual, which was in effect on the assessment date at issue here, has since been repealed and replaced by the 2021 Manual, which uses the same definition. 2021 REAL PROPERTY ASSESSMENT MANUAL at 2.

the assessment date. Although he characterized the property's use as being a vacant former restaurant, he applied multiple analyses that functionally treated it as a commercial property held for investment, which is what we find the property was used for on the assessment date.

50. Hall analyzed the property's value in several different ways under a generally recognized valuation approach—the sales-comparison approach. In each instance, he chose comparable properties that were physically similar to and appropriate substitutes for the subject property. All the properties were used for commercial purposes both before and after sale. Hall adjusted the sale prices using market data, and we find that those adjustments were both supported and reasonable.
51. Munster Medical did nothing to impeach Hall's appraisal. At most, it pointed to the fact that he did not consider land assessments for nearby properties. But that is not typical of appraisal practice or required by generally accepted appraisal principles. Indeed, Hall credibly explained that doing so would likely violate USPAP.
52. That said, we find that Hall's conclusion under his first analysis was not a good indicator of the subject property's market value-in-use. His chosen unit of comparison—price per square foot of building area—did not reflect the likely motivation of the buyers from his comparable sales, all of whom razed the existing buildings.
53. But we find that Hall's second and third analyses, which view the improvements as contributing nothing to the subject property's market value-in-use, comply with generally accepted appraisal principles and are reasonable indicators of the property's true tax value.⁶ Under that premise, however, the subject building likely would be an impediment, because a buyer would have to pay to demolish it. And Hall did not

⁶ Like Hall, we give little weight to the fourth analysis as an independent indicator of the subject property's market value-in-use. Hall used that analysis as a check on the reasonableness of his conclusions under his other three analyses.

explicitly account for the anticipated cost of demolishing the building. Nonetheless, his omission was largely offset by the fact that he did not add anticipated demolition costs to the comparable sale prices from his second analysis, which would have more accurately reflected what those buyers were willing to pay for the land in those transactions.

54. Standing alone, Hall's conclusion under the second analysis would suffice to demonstrate the subject property's market value-in-use. But that is not the most persuasive evidence of the property's value. Instead, we find that the most persuasive evidence comes from a slightly modified version of Hall's third analysis.
55. For the third analysis, Hall used sales of comparable vacant sites that were developed for commercial use. Those sites were from more similar locations than the sales from Hall's second analysis. And because there were no buildings to demolish, the sale prices accurately reflected the comparable sites' market value.
56. But the anticipated cost of demolishing the subject building should still be subtracted from the reconciled land value indicated by the comparable sales, because a buyer of the subject property would factor that cost into what it would be willing to pay for the property as it existed on the assessment date. The anticipated cost likely would approximate what Munster Medical actually paid to demolish the building. That leads to a value of \$1,300,000—\$1,370,000 as Hall concluded in his third analysis, minus the rounded costs of demolition (\$70,000).
57. Munster Medical did not point to any credible evidence to show a value different from what we have concluded. While the subject property sold twice within a year of the assessment date, the parties do not claim that either transaction reflects its value. We likewise find that neither sale reliably shows the subject property's market value-in-use. The first transaction was a forced sale stemming from U.S. Bank's foreclosure action. That raises significant concerns about whether the sale price reflected the property's market value-in-use because the seller was under undue compulsion to liquidate the asset,

rather than acting as a typically motivated seller in an open and competitive market. *See* MANUAL at 10 (defining a “market value” sale). And there is no evidence in the record to allay those concerns. We therefore give no weight to that sale.

58. The second transaction involved atypical motivations and barriers to negotiation: the representatives of the seller, SA Group, were in prison. And SA Group did not give Munster Medical any warranties of title. Instead, SA Group merely quitclaimed all its interest in the subject property. Without evidence to show the extent to which those issues affected the sale price, we give no weight to the sale.
59. Munster Medical mainly argued that the PTABOA properly determined the subject property’s value because its determination matched the value the Assessor had originally assigned to the land. To the extent Munster Medical may have been entitled to a presumption that the original assessment, or any component of it, was correct when Munster Medical originally filed its Form 130 petition, that presumption disappeared once the Assessor offered reliable market-based evidence to show a different value. In any case, that market-based evidence was far more persuasive.
60. Based on the preponderance of the evidence, we find that the subject property’s true tax value was \$1,300,000 for the 2016 assessment date.

B. Munster Medical failed to prove a lack of uniformity and equality.

61. At the hearing, although not in its post-hearing brief, Munster Medical argued that assessing the subject property for an amount at or near Hall’s valuation opinion would violate Article 10, section 1 of the Indiana Constitution, which requires a uniform and equal rate of assessment and taxation. For support, it pointed to Manojlovich’s testimony that the land under the Pepe’s restaurant across the street from the subject property was assessed for a much lower per-acre rate than Hall had used to value the subject property. But simply pointing to the assessment for one other property, without even showing how that assessment compared to the property’s true tax value, does not suffice to prove a lack

of uniformity and equality. *See, e.g., Westfield Golf Prac. Ctr. v. Washington Twp. Ass'r*, 859 N.E.2d 396, 399 (Ind. Tax Ct. 2007) (rejecting taxpayer's lack-of-uniformity-and-equality claim because it focused solely on the base rates used to assess properties without showing their actual market values-in-use).

Final Determination

62. We find by a preponderance of the evidence that the subject property's true tax value on January 1, 2016, was \$1,300,000. We therefore order that its 2016 assessment be changed to that amount.

Date: FEBRUARY 3, 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>>.