

REPRESENTATIVE FOR THE PETITIONER: Rudolph A. Mahara, pro se

REPRESENTATIVE FOR THE RESPONDENT: Jill Weikart, Allen County Assessor's Office

**BEFORE THE
INDIANA BOARD OF TAX REVIEW**

RUDOLPH A. MAHARA,	)	Petition No.:	02-074-23-1-5-00076-24
)		
Petitioner,	)	Parcel No.	02-12-11-129-031.000-074
)		
v.	)	County:	Allen
)		
ALLEN COUNTY ASSESSOR,	)	Township:	Wayne
)		
Respondent.	)	Assessment Year:	2023

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:

INTRODUCTION

1. Rudolph A. Mahara contested the 2023 assessment of his residential property. The parties offered competing valuation opinions from their respective appraisers—Larry McChessney for Mahara and Verne V. Mitchell, III and Alexander C. Mitchell¹ for the Allen County Assessor. After weighing the evidence, we find the Mitchells' appraisal provides the most persuasive evidence of the subject property's true tax value. We therefore find for the Assessor and order the 2023 assessment increased to \$320,000.

¹ For simplicity, we will refer to Verne and Alexander's appraisal as the Mitchells' appraisal.

PROCEDURAL HISTORY

2. On July 2, 2023, Mahara filed a Form 130 notice challenging the 2023 assessment of his property located at 1236 Fairfield Avenue, Fort Wayne, Indiana. On December 13, 2023, the Allen County Property Tax Assessment Board of Appeals (“PTABOA”) issued a Form 115 final determination reverting the subject property’s 2023 assessment back to the prior year’s assessment of \$311,600 (\$32,500 for land and \$279,100 for improvements).
3. On January 22, 2024, Mahara filed a Form 131 petition with the Board. On October 22, 2024, our designated administrative law judge, Tammy Sierp (“ALJ”), held a hearing on the petition. Neither she nor the Board inspected the subject property.
4. Mahara, McChessney, and Jill Weikart, the Senior Assessment Team Leader for the Allen County Assessor’s Office, testified under oath.
5. Mahara submitted the following exhibit:
 - Petitioner Exhibit 1: Appraisal report prepared by Larry McChessney from McChessney Real Estate & Appraisal Services, Inc.
6. The Assessor submitted the following exhibits:
 - Respondent Exhibit A: Property Record Card (“PRC”) for subject property
 - Respondent Exhibit B: 2023 Form 131 petition
 - Respondent Exhibit C: 2023 Form 115 determination
 - Respondent Exhibit D: 2023 Form 130 petition
 - Respondent Exhibit E: Appraisal report of the subject property prepared by Verne V. Mitchell, III and Alexander C. Mitchell from Mitchell and Associates, Inc.
 - Respondent Rebuttal Ex. A: Appraisal report of the subject property prepared by Larry McChessney from McChessney Appraisal Services submitted at the PTABOA Hearing
 - Respondent Rebuttal Ex. B: Appraisal report of the subject property prepared by Larry McChessney from McChessney Appraisal Services submitted at the PTABOA Hearing
 - Respondent Rebuttal Ex. C: Email to Mahara from Assessor regarding measuring the subject property

Respondent Rebuttal Ex. D: Aerial Maps of Subject Property and PRC
Respondent Rebuttal Ex. E: Market Data Reports from Indiana Association of
Realtors, UpStar, and Forbes Advisor

7. 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) an audio recording of the hearing.

OBJECTIONS

8. The Assessor objected to the testimony of McChessney because she never received a witness and exhibit list from Mahara identifying him as a witness. To promote settlement and prevent unfair surprise, our procedural rules require parties to exchange witness and exhibit lists at least 15 business days before the hearing and copies of documentary evidence at least 5 business days before the hearing. 52 IAC 4-8-1(a)-(b). We may exclude evidence based on a party's failure to comply with those deadlines. 52 IAC 4-8-1(f).
9. Here, there is no dispute that Mahara failed to exchange a witness and exhibit list identifying McChessney as a witness. However, McChessney had previously appeared and testified on Mahara's behalf at the PTABOA hearing and the Assessor was clearly aware that McChessney's work product would be introduced before us because she came to our hearing with rebuttal evidence in hand to counter McChessney's appraisal of the subject property. Because we are not persuaded that the Assessor was prejudiced by Mahara's failure to comply with the exchange deadline, we overrule the objection.
10. For his part, Mahara objected to the admission of Respondent's Rebuttal Exhibits A and B on relevance grounds. Evidence is relevant if it tends to make a fact of consequence "more or less probable than it would be without the evidence." Ind. Evidence Rule 401. "This often includes facts that merely fill in helpful background information . . . even though they may only be tangentially related to the issues presented." *Hill v. Gephardt*, 62 N.E.3d 408, 410 (Ind. Ct. App. 2016). In this case, the challenged exhibits are *appraisals of the subject property* prepared by the same appraiser who prepared the appraisal

Mahara submitted as valuation evidence herein, and they are therefore relevant to the issue before us—the subject property’s true tax value. We therefore overrule the objections.

11. Mahara also objected to the admission of Respondent’s Exhibit E because the appraisal was not completed until after the PTABOA hearing and because he does not think it is a fair reflection of the subject property’s value. Because neither of the grounds Mahara put forward has any bearing on the admissibility of the appraisal, we overrule the objection.

FINDINGS OF FACT

A. THE SUBJECT PROPERTY

12. The subject property is a single-family residential property located at 1236 Fairfield Avenue, Fort Wayne, Indiana. It consists of a two-story home with two bedrooms, two and a half bathrooms, an unfinished basement, and a detached two-car garage with a finished living area and full bathroom above it, all situated on an approximately 0.09-acre lot. The home was originally built in 1870. Mahara purchased it for \$22,000 in 2013 and he invested \$150,000 in the home to make it livable and to add the living area above the garage. *Mahara testimony; Weikart testimony; Pet’r Ex. 1; Resp’t Exs. A, E.*
13. The parties’ appraisers used different square footage estimates when describing the size of Mahara’s home, which affected numerous adjustments within each appraisal. And one of the Assessor’s primary criticisms of McChessney’s appraisal was that he relied on an incorrect calculation of the subject property’s square footage. McChessney, who was able to perform an interior inspection of the subject property, calculated its net livable area to be 1,846 square feet. However, in two prior appraisals of the subject property that McChessney prepared for the same valuation date, he had calculated the subject property’s net livable area to be 1,700 square feet. On the other hand, the Mitchells, who only performed an exterior inspection of the subject property, listed its livable area at 2,016 square feet. They took their size estimate directly from the subject property’s PRC, which the Assessor had updated after one of her employees remeasured the exterior of the

home on October 24, 2023. Prior to remeasuring the home, however, the Assessor had listed its finished area as 1,839 square feet on the subject property's PRC, which is only 7 square feet less than the estimate McChessney ultimately relied on. Given the conflicting evidence and the fact that the appraisers' final square footage estimates only differ by 170 square feet, we find that both parties' appraisers relied on reasonable estimates of the subject property's size. For the same reasons, we find the appraisers' respective square footage estimates for the basement and for the living area above the garage to be reasonable estimates of their sizes as well.² *Mahara testimony; McChessney testimony; Weikart testimony; Pet'r Ex. 1; Resp't Exs. A, E, Rebut. Ex. A, Rebut. Ex. B, Rebut. Ex. C, Rebut. Ex. D.*

14. For the January 1, 2023 assessment date, the subject property was assessed at \$311,600, which is identical to its 2022 assessment. *Resp't Ex. A.*

B. APPRAISALS

1. McChessney's Appraisal

15. Mahara presented an appraisal report prepared by Larry McChessney, an Indiana Certified Residential Appraiser. He developed an opinion of the market value-in-use of subject property's fee simple interest as of August 26, 2023, and certified that his appraisal complies with the Uniform Standard of Professional Appraisal Practice ("USPAP"). To arrive at his opinion of value, McChessney developed a sales comparison approach using four comparable properties located between 0.20 and 0.56 miles from the subject property that sold in 2022. He adjusted the comparables for characteristics such as location, site size, construction quality, room count, gross living area, basement size and finish, and garage size and finish. However, McChessney did not adjust any of his comparables for the time between their respective dates of sale and either the January 1, 2023 assessment date or the date of his appraisal. After adjustment, the comparables' sales prices ranged from \$238,951 to \$326,415, which McChessney

² McChessney estimated the basement to have 668 square feet and the living area above the garage to have 506 square feet, while the Mitchells estimated the basement to have 626 square feet and the living area above the garage to have 500 square feet—differences of 42 square feet and 6 square feet, respectively. *Pet'r Ex. 1; Resp't Ex. E.*

reconciled to a concluded value of \$270,000 as of August 26, 2023. To further support his concluded value, McChessney also included a CMA Summary Report containing sales information for 29 residential homes in the subject property's area. Their sales prices ranged from a low of \$46,000 to a high of \$434,900, with an average sales price of \$209,541. McChessney also included an Analytics Addendum in his appraisal that contains a graph showing a steadily increasing sales price trend in the subject property's market from January 6, 2022 through December 16, 2022. *McChessney testimony; Weikart testimony; Pet'r Ex. 1.*

16. We find that McChessney's appraisal complies with generally accepted appraisal principles. We further find that he relied on objectively verifiable market-based evidence in his sales comparison approach to arrive at a credible opinion of value. For these reasons, along with McChessney's credentialed expertise and experience, we find his opinion of value to be a reliable estimate of the subject property's true tax value.

2. The Mitchells' Appraisal

17. The Assessor presented an appraisal report prepared by Verne V. Mitchell, III, MAI, and Alexander C. Mitchell, both Indiana Certified General Appraisers. They developed an opinion of the market value-in-use of subject property's fee simple interest as of January 1, 2023, and certified that their appraisal complies with USPAP. To arrive at their opinion of value, the Mitchells developed a sales comparison approach using four comparable properties located in Fort Wayne that sold in 2022. They adjusted the comparables for characteristics such as location, condition, building size, basement size and finish, room count, and garage size and finish. They also applied adjustments ranging from \$4,600 to \$22,600 to trend three of their comparables' sales prices from their respective sale dates to the January 1, 2023 assessment date.³ After adjustment, the comparables' sales prices ranged from \$311,276 to \$327,039, which the Mitchells

³ The Mitchells did not make a time adjustment to Comparable Sale 1 (1012 W. Berry Street), which sold on December 16, 2022—approximately two weeks before the January 1, 2023 assessment date. *Resp't Ex. E; Pet'r Ex. 1.*

reconciled to a concluded value of \$320,000 as of January 1, 2023. *Resp't Exs. E, Rebut. Ex. C, Rebut. Ex. D.*

18. We find that the Mitchells' appraisal complies with generally accepted appraisal principles. We further find that they relied on objectively verifiable market-based evidence in their sales comparison approach to arrive at a credible opinion of value. For these reasons, along with the Mitchells' credentialed expertise and experience, we find their opinion of value to be a reliable estimate of the subject property's true tax value.

BURDEN OF PROOF

19. Generally, the taxpayer has the burden of proof when challenging a property's 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) (effective March 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, 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.*
21. 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).
22. Here, the 2023 assessment is identical to the previous year's assessment. Thus, the burden of proof remains on Mahara.

ANALYSIS

23. 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).
24. True tax value does not mean “fair market value” or “the value of the property to the user.” I.C. § 6-1.1-31-6(c), (e). Instead, it is determined under the rules of the Department of Local Government Finance (“DLGF”). I.C. § 6-1.1-31-5(a); I.C. § 6-1.1-31-6(f). The DLGF defines true tax value as “market value-in-use,” which it in turn defines as “[t]he market value-in-use of a property for its current use, as reflected by the utility received by the owner or by a similar user, from the property.” 2021 Real Property Assessment Manual at 2.
25. As a threshold issue, we must determine whether the parties have made a prima facie case showing the property's true tax value. *Wigwam Holdings*, 125 N.E.3d at 7 (holding that the Board's “statutory duty, as the finder of fact,” is to review “the probative value” of the evidence); *see also Madison Cty. Ass'r v. Sedd Realty*, 125 N.E.3d 676, 680 (Ind. Ct. App. 2019). There are two prongs for making that showing: (1) a party must offer “objectively verifiable, market-based evidence,” and (2) the valuation must comport with generally accepted appraisal principles. *See 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)).
26. The first prong may be satisfied with “relevant market data, including data compiled in accordance with generally accepted appraisal principles.” *Howard Cty. Ass'r v. Kokomo Mall*, 14 N.E.3d 895, 899 (Ind. Tax Ct. 2014); 2021 REAL PROPERTY ASSESSMENT MANUAL at 2-3. As for the second prong, valuation evidence is considered consistent

with “generally accepted appraisal principles” if it conforms to practices “recognized in the appraisal community as authoritative.” *Meijer Stores v. Boone Cty. Ass’r*, 162 N.E.3d 26, 32 (Ind. Tax Ct. 2020) (citing the definition in 50 IAC 30-2-4). But “[c]onclusory statements” do not suffice. *Long v. Wayne Twp. Assessor*, 821 N.E.2d 466, 470 (Ind. Tax Ct. 2005); *Marinov v. Tippecanoe Cty. Ass’r*, 119 N.E.3d 1152, 1156 (Ind. Tax Ct. 2019) (holding that 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”).

27. A USPAP-compliant appraisal generally will satisfy both prongs. Indeed, the Tax Court has long held that “one of the most effective methods for a taxpayer to rebut the presumption of correctness afforded to an assessment made pursuant to Indiana’s assessing guidelines is through the presentation of a market value-in-use appraisal, completed in conformance with USPAP.” *Meijer Stores v. Smith*, 926 N.E.2d 1134, 1139 (Ind. Tax Ct. 2010). An appraisal, however, is not reliable if there are “wide-ranging disparities” between the appraisal and “the valuation standards and assumptions underlying Indiana’s assessment guidelines.” *Wigwam Holdings*, 125 N.E.3d at 12. Likewise, an appraiser’s opinion “must be based upon facts.” *Marion Cty. Ass’r v. Wash. Square Mall*, 46 N.E.3d 1, 12 (Ind. Tax Ct. 2015).
28. Here, both parties offered appraisals from qualified licensed experts who certified that they completed their appraisal reports and formed their valuation opinions in conformity with USPAP. Both parties’ appraisers applied the sales comparison approach, which is a generally accepted methodology in the appraisal profession, to estimate the market value-in-use of the fee-simple interest in the subject property. In doing so, they relied on market data, and they used their professional expertise in analyzing that data to reach valuation opinions. They also generally complied with valuation standards and assumptions underlying Indiana’s true tax value system. We therefore find that both parties’ appraisers’ sales comparison approaches and their resulting valuation opinions are sufficient to make a prima facie case establishing the subject property’s true tax value. Because we have two competing probative valuation opinions, we now turn to

weighing those opinions to determine which one provides the most persuasive evidence of the subject property's true tax value.

29. Mahara presented a USPAP-compliant appraisal prepared by McChessney, an Indiana Certified Residential Appraiser. McChessney used the sales comparison approach and estimated the subject property's value to be \$270,000 as of August 26, 2023. The Assessor argued it was flawed for two primary reasons. First, the Assessor claimed that McChessney relied on an incorrect calculation of the subject property's square footage, which cast doubt on the reliability of his size adjustments for gross living area, the basement, and the garage. Second, the Assessor criticized McChessney's appraisal because he failed to apply a time adjustment to his comparables and because he valued the subject property as of August 26, 2023, instead of the January 1, 2023 assessment date at issue.
30. Because we found that McChessney relied on reasonable square footage estimates, the Assessor's first criticism misses the mark. However, we do find merit to the Assessor's second criticism. The Tax Court has consistently held that evidence must reliably indicate the property's value as of the assessment date. *O'Donnell v. Dept. of Local Gov't. Fin.*, 854 N.E.2d 90, 95 (Ind. Tax Ct. 2006). The annual assessment date for the 2023 assessment year was January 1, 2023. I.C. § 6- 1.1-2-1.5(a). Yet McChessney's appraisal valued the subject property as of August 26, 2023. He also failed to adjust three of his sales to relate their sales prices to January 1, 2023. We take no issue with the lack of a time adjustment for Comparable Sale 1 given that it sold two weeks before the assessment date. However, we find that the graph McChessney included in his appraisal showing a steadily increasing sales price trend in the subject property's market from January 6, 2022 through December 16, 2022 demonstrates that his other three comparables should have received a time adjustment.
31. In support of her request to raise the assessment, the Assessor presented a USPAP-compliant appraisal prepared by the Mitchells, both of whom are Indiana Certified General Appraisers. The Mitchells used the sales comparison approach and estimated the


subject property's value to be \$320,000 as of January 1, 2023. They also applied time adjustments to relate their comparables' sales prices to the assessment date. Mahara did little to try and impeach the Mitchells' appraisal beyond arguing that they did not properly account for the negative aspects of the subject property's immediate neighborhood. However, the Mitchells applied location adjustments to the three comparables they rated as having superior or inferior locations, and Mahara failed to provide any market-based evidence demonstrating that their adjustments were insufficient to account for locational differences.

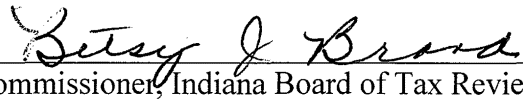
32. Both parties provided us with probative valuation opinions from licensed appraisers with experience valuing residential properties like the subject property. However, after weighing the evidence, we find the Mitchells provided the more persuasive appraisal. By valuing the subject property as of the January 1, 2023 assessment date and applying appropriate time adjustments to trend their comparables to that date, they demonstrated a better understanding of Indiana's valuation standards than McChessney and presented a more reliable indication of its value on January 1, 2023. We therefore find the Mitchells' valuation opinion to be the most persuasive evidence of the subject property's true tax value for the January 1, 2023 assessment date.

FINAL DETERMINATION

33. In accordance with the above findings of fact and conclusions of law, we find for the Assessor and order the 2023 assessment changed to \$320,000.

Date: MAY 19, 2025


Chairman, Indiana Board of Tax Review


Commissioner, Indiana Board of Tax Review


Commissioner, Indiana Board of Tax Review

- APPEAL RIGHTS -

You may petition for judicial review of this final determination under the provisions of Indiana Code § 6-1.1-15-5 and the Indiana Tax Court's rules. To initiate a proceeding for judicial review you must take the action required not later than forty-five (45) days after the date of this notice. The Indiana Code is available on the Internet at <<http://www.in.gov/legislative/ic/code>>. The Indiana Tax Court's rules are available at <<http://www.in.gov/judiciary/rules/tax/index.html>>.