

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

Petition No.: 79-023-21-1-5-00245-23
Petitioners: Vassil Marinov and Venetka Marinova
Respondent: Tippecanoe County Assessor
Parcel No.: 79-06-11-326-023.000-023
Assessment Year: 2021

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

PROCEDURAL HISTORY

1. On May 26, 2021, Vassil Marinov and Venetka Marinova (the “Marinovs”) filed a Form 130 notice challenging the 2021 assessment of their property located on 2315 Archer Court in West Lafayette. On February 15, 2023, the Tippecanoe County Property Tax Assessment Board of Appeals (“PTABOA”) issued a final determination valuing the subject property at \$236,700 (\$45,000 for land and \$191,700 for improvements).
2. On March 1, 2023, the Marinovs timely filed a Form 131 petition with the Board and elected to proceed under our small claims procedures. On October 8, 2025¹, our designated administrative law judge, David Smith (“ALJ”), held an in-person hearing on the Marinovs’ petition. Neither he nor the Board inspected the subject property.
3. The Marinovs and Tippecanoe County Assessor Eric Grossman appeared pro se. Vassil Marinov, Venetka Marinova, Eric Grossman, and Appraiser Deborah Lewellen testified under oath. Upon motion by the Marinovs, the Board obtained the services of Interpreter Vanya Phoenix, who appeared remotely and was sworn in to provide interpretive services for the Marinovs.
4. On January 14, 2026, we issued a Notice to the parties regarding Brandee Chanin’s appointment as one of the Board’s three Commissioners. The Notice advised the parties of her involvement with this case while she was employed as a Senior Law Clerk for the Indiana Tax Court, explained that Commissioner Chanin was not aware of any potential grounds for disqualifying herself, and directed the parties to notify the Board of any potential grounds for her disqualification within 15 days. On January 23, 2026, the Marinovs responded by filing a Motion in which they requested a new hearing if the Board replaced ALJ Smith with a different ALJ. However, the Marinovs’ Motion does

¹The petition was originally scheduled for hearing on December 13, 2023. After a series of continuance motions and an appeal to the Indiana Tax Court filed by the Marinovs that was dismissed on February 21, 2025, the Board rescheduled the petition for an in-person hearing with an interpreter on October 8, 2025.

not allege any grounds for disqualifying Commissioner Chanin. Instead, it appears that the Marinovs simply misinterpreted our Notice to mean that we were replacing ALJ Smith with a new ALJ, which is not the case. We therefore deny the Motion.

RECORD

5. The Marinovs submitted the following exhibits:

Petitioner Exhibit 1:	Form 134 dated September 28, 2021
Petitioner Exhibit 2:	Estimate of subject property repair costs
Petitioner Exhibit 3:	Assessment year 2020 "Stipulation Agreement" for subject property

6. The Assessor submitted the following exhibits:

Respondent Exhibit A:	Written narrative of Assessor's case
Respondent Exhibit B:	Property Record Card for subject property
Respondent Exhibit C:	Appraisal of Deborah Lewellen

7. The official record for this matter also includes the following: (1) all pleadings, briefs, motions, and documents filed in this appeal; (2) all orders and notices issued by the Board or our ALJ; and (3) an audio recording of the hearing.

OBJECTIONS

8. The Marinovs objected to the admission of all three of the Assessor's exhibits because they were not provided to them until the day of the hearing. The Assessor countered that he had emailed the exhibits to the Marinovs at least three different times in the year plus leading up to the hearing. Under our small claims rules, a party is required to exchange exhibits only if requested "not later than 10 business days prior to hearing." 52 IAC 4-8-2. Because the Marinovs did not show that they timely requested an exhibit exchange, we overrule their objection and admit the Assessor's exhibits.

FINDINGS OF FACT

9. The subject property is located at 2315 Archer Court in West Lafayette, Indiana. It consists of a 3,090 square foot, 2-story home built in 2003 situated on a 0.3064-acre lot. The home has four bedrooms, two and a half bathrooms, and an attached 2-car garage. The repairs and updates the Marinovs want to complete would have cost \$43,840.27 in 2004 according to an estimate from TW Construction, but they have never had any of the work performed. *Va. Marinov testimony; Grossman testimony; Pet'r Ex. 2; Resp't Exs. A, B, C.*
10. The Assessor presented an appraisal prepared by Deborah Lewellen, a certified residential appraiser, that estimated the market value of the subject property as of January 1, 2021. Lewellen certified that her appraisal complies with the Uniform Standards of

Professional Appraisal Practice (“USPAP”). She performed a drive-by inspection of the subject property; she did not inspect the interior. Lewellen developed a sales comparison approach by searching for single family homes located within a one-mile radius of the subject property with gross living areas ranging from 2,400 to 3,800 square feet that were built from 1998 to 2008 and that sold between January 1, 2020 and January 1, 2021. Her search identified 11 sales, and she selected four of them to use as comparable sales. The comparable sales sold for prices ranging from \$223,000 to \$442,400, and had an average sales price of \$309,163. Lewellen adjusted them for differences in sales or financing concessions, quality of construction, gross living area, basement and finished rooms below grade, garage count, and number of fireplaces. After adjustment, her comparable sales had prices ranging from \$234,800 to \$241,900, which she reconciled to an opinion of value of \$237,000 as of January 1, 2021. *Lewellen testimony; Resp’t Ex. C.*

11. The Marinovs and the Assessor entered into a Form 134 agreement that attempted to set the subject property’s assessed value at \$182,600 for the January 1, 2021 assessment date. However, the PTABOA rejected that agreement and issued a final determination valuing it at \$236,700, an increase of more than 32% over the \$178,300 assessment the parties previously stipulated to for the January 1, 2020 assessment date. *Va. Marinov testimony; Ve. Marinova testimony; Grossman testimony; Pet’r Exs. 1, 3; Resp’t Exs. A, B.*

BURDEN OF PROOF

12. Generally, the taxpayer seeking review of an assessing official’s determination has the burden of proof. Indiana Code §6-1.1-15-17.2² creates an exception to that general rule and assigns the burden of proof to the assessor in two circumstances—where the assessment under appeal represents an increase of more than 5% over the prior year or where it is above the level determined in a taxpayer’s successful appeal of the prior year’s assessment. I.C. § 6-1.1-15-17.2 (b) and (d).
13. If the assessor has the initial burden to prove the original assessment is correct and fails to meet it, the burden shifts to the taxpayer to prove the correct assessed value. If neither party meets its burden, the assessment reverts to the prior year’s level. I.C. § 6-1.1-15-17.2 (b); *Southlake Ind., LLC v. Lake County Assessor*, 174 N.E.3d 177, 179 (Ind. 2021). Furthermore, the statutory term “correct assessment” referenced in Indiana Code section 6-1.1-15-17.2 refers to “an accurate, exact, and precise assessment.” *Southlake Ind., LLC v. Lake County Assessor*, 181, N.E.3d 484, 489 (Ind. Tax Ct 2021). Thus, to meet the burden under Indiana Code section 6-1.1-15-17.2, an assessor must provide probative, market-based evidence that the assessment is “*exactly and precisely*” correct. *Id.* (emphasis in original).
14. Here, the Assessor conceded that the subject property’s current assessment of \$236,700 represents an increase of more than 5% over the previous year’s assessment of \$178,300.

² Indiana Code section 6-1.1-15-17.2 was repealed by P.L. 174-2022 on March 21, 2022. In *Elkhart Cty. Assessor v. Lexington Square, LLC*, 219 N.E.3d 236 (Ind. Tax Ct. 2023), the Tax Court held that Indiana Code section 6-1.1-15-17.2 continues to apply to appeals filed before that date.

It is also above the level determined in the Marinovs' successful appeal of the 2020 assessment. Accordingly, the burden shifting provisions of Indiana Code section 6-1.1-15-17.2 apply and the Assessor has the burden to prove the 2021 assessment is exactly and precisely correct.

ANALYSIS

15. 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); Ind. Code § 6-1.1-31-6(f). 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 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.
16. To show a property's true tax value, a party "must present objectively verifiable, market-based evidence" of the property's value. *Piotrowski v. Shelby County 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." *P/A Builders & Developers, LLC v. Jennings County 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 Department of Local Government Finance's ("DLGF") 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.
17. 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 County 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. Dept. of Local Gov't. Fin.*, 854 N.E.2d 90, 95 (Ind. Tax Ct. 2006). For the 2021 assessment, the valuation date was January 1, 2021. Ind. Code § 6-1.1-2-1.5.
18. As explained above, the Assessor has the burden of proof. When an assessor has the burden under Indiana Code section 6-1.1-15-17.2, his evidence needs to "exactly and precisely conclude" to the challenged assessment. *Southlake Ind. LLC v. Lake Cty. Ass'r* ("*Southlake IF*"), 181 N.E.3d 484, 489 (Ind. Tax Ct. 2021). If the assessor fails to meet his burden, the taxpayer can prove that their proffered assessed value is correct. If neither party meets its burden, the assessment reverts to the prior year's level. I.C. § 6-1.1-15-17.2(b); *Southlake Ind., LLC v. Lake Cty. Ass'r* ("*Southlake F*"), 174 N.E.3d 177, 179-80 (Ind. 2021). In this case, given that the appraisal offered by the Assessor concluded that the subject property's value was \$237,000, we conclude that the Assessor

failed to meet his burden because his valuation evidence did not “exactly and precisely conclude” to the \$236,700 value determined by the PTABOA. *Southlake II* at 489. We now turn to whether the Marinovs proved the correct assessed value.

19. The Marinovs contend that the subject property’s 2021 assessment should be \$176,000, but they failed to provide any probative, market-based evidence to support that value. Statements that are unsupported by probative evidence are conclusory and of no value to the Board in making its determination. *Whitley Products, Inc. v. State Bd. of Tax Comm’rs*, 704 N.E.2d 1113, 1118 (Ind. Tax Ct. 1998). While the Marinovs provided an estimate detailing the cost to complete a laundry list of repairs and updates they would like to make to the subject property, their estimate was from 2004, which is not reliable evidence of what the work would have cost on January 1, 2021. Even if their estimate had been relevant to the 2021 assessment date, the Marinovs still failed to quantify the effect the alleged deficiencies had on the subject property’s market value-in-use using generally accepted appraisal principles. Thus, we conclude the Marinovs failed to prove that their proffered assessed value is correct.
20. Finally, to the extent that the Marinovs were claiming that the subject property’s assessed value should be \$182,600 based on the Form 134 agreement they entered into with the Assessor, we disagree. Indiana law encourages parties to engage in settlement negotiations without fear of having those negotiations later used as evidence against them. *See, e.g., Dep’t of Local Gov’t Fin. v. Commonwealth Edison Co.*, 820 N.E.2d 1222, 1227-1228 (Ind. 2005) (explaining the different ways in which settlement negotiations are encouraged, including by making evidence of settlement negotiations or terms inadmissible to prove liability for, or the invalidity of, a claim or its amount). Because the parties’ Form 134 agreement was part of their settlement negotiations, it cannot be used as evidence of the subject property’s assessed value. Consequently, the Marinovs have failed to show that they are entitled to any relief based thereon.
21. Because neither party proved the correct assessed value, the subject property’s 2021 assessment must revert to its 2020 assessed value of \$178,300.

FINAL DETERMINATION

In accordance with the above findings of fact and conclusions of law, we order the 2021 assessment reduced to \$178,300.

ISSUED: FEBRUARY 27, 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 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>>.