REPRESENTATIVE FOR PETITIONER: Robert E. Phillips, *pro se*

REPRESENTATIVE FOR RESPONDENT: Craig R. Emig, Attorney

BEFORE THE
INDIANA BOARD OF TAX REVIEW

ROBERT E. PHILLIPS, Petitioner, v. VANDERBURGH COUNTY ASSESSOR, Respondent.	)))))))))	Petition No.: 82-029-24-1-5-00361-25 Parcel No.: 82-06-20-025-111.012-029 County: Vanderburgh Assessment Year: 2024

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. Robert Phillips appealed the assessment of his rental property. Based on the totality of the evidence, we find that the property's assessment must be reduced to $32,000.

Procedural History

2. On April 13, 2024, Phillips appealed the 2024 assessment of his property located at 736 East Delaware Street in Evansville ("subject property"). On April 11, 2025, the Vanderburgh County Property Tax Assessment Board of Appeals ("PTABOA") issued a determination sustaining the assessment of $38,200 ($5,200 for land and $33,000 for improvements). Phillips then filed a Form 131 petition with us on April 25, 2025.

3. On July 24, 2025, our designated administrative law judge, Joseph Stanford ("ALJ"), held a consolidated telephonic hearing on Phillips' petition in this appeal and his appeals of three other properties.[1] Neither the ALJ nor the Board inspected the subject property. Phillips represented himself. Craig R. Emig appeared as counsel for the Vanderburgh County Assessor. The following people testified under oath: Phillips, Jacki Doty-Fox, and Cara Schuster.

4. At the outset of the hearing, the ALJ pointed to Ind. Code § 6-1.1-15-20, which, among other things, assigns the burden of proof to an assessor when the assessment under appeal represents an increase of more than 5% over the prior year's assessment. He then asked the parties whether they believed the burden of proof should shift to the Assessor for any of the appeals. The Assessor admitted that the subject property's assessment increased by more than 5% and that he therefore had the burden of proof in this appeal. Neither party, however, offered evidence to show the property's assessed value for 2023.

Record

5. Phillips offered the following exhibit regarding this appeal:

Exhibit 1:	Spreadsheet with comparable properties.

6. The Assessor offered the following exhibits regarding this appeal:

Exhibit R-361A:	Appraisal Report for the subject property completed by Randall S. Tapp,
Exhibit R-361D:	Phillips' IRS Schedule E filing (Confidential),
Exhibit R-361F:	Gross rent multiplier ("GRM") calculation sheet for Pigeon Township,
Exhibit R-361G:	GRM calculation sheet for the subject property.

7. The record also includes: (1) all petitions and other documents filed in this appeal, (2) all notices and orders issued by the Board or the ALJ in this appeal, and (3) an audio recording of the consolidated hearing.

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[1] The other properties were 1021 North 4th Ave. (pet. no. 82-029-24-1-5-011238), 403 E. Virginia St. (pet. no. 82-029-24-1-5-01141-24), and 1910 N. Fulton Ave (pet. no. 82-029-1-5-01140-24).

Findings of Fact

A. The Subject Property

8. The subject property contains a 1,280-square-foot home on a 3,884-square-foot lot. Phillips uses it as a rental property. *Schuster testimony; Ex. R-361A*

9. Phillips bought the property for $15,000 on July 1, 2022. It was "uninhabitable" when he bought it. Phillips made at least some repairs and renovations to the home. Although he did not install a new roof or windows, he acknowledged that he might have put some work into the kitchen and plumbing, and he bought a new air conditioner. Nonetheless, the home still has loose siding and some gaps in its trim. Phillips was able to rent the property for [redacted] per month. *Phillips testimony; Schuster testimony; Ex. R-361A.*

B. The Assessor's GRM Analysis

10. After Phillips filed his appeal, the Assessor's appeals department, including Cara Schuster, used the gross rent multiplier ("GRM") method to estimate the subject property's value. To determine a GRM, they looked at sales of rental properties from Pigeon Township and divided each property's sale price by its gross annual rent. The average GRM from those sales was 5.1, which they applied to the subject property's annual rent. That yielded a rounded value of [redacted]. *Doty-Fox testimony; Schuster testimony; Exs. R-361F, R-361G.*

C. Appraisal Report

11. The Assessor also offered an appraisal report from Randall S. Tapp of Appraisal Consultants, Inc., in which Tapp estimated the subject property's market value at $32,000 as of January 1, 2024. Tapp, who is a certified appraiser, asserted that he prepared his report in accordance with the Uniform Standards of Professional Appraisal Practice ("USPAP"). *Ex. R-361A; Doty-Fox testimony.*

12. Tapp applied two valuation approaches: the sales-comparison approach and the GRM method. For his sales-comparison analysis, Tapp relied on the sales of four comparable

properties. The sales were from February to July of 2023. Tapp adjusted the prices to account for sales or financing concessions. He similarly adjusted the prices to account for differences between the comparable properties and the subject property in terms of relevant characteristics like construction design and quality; condition; gross living area; and whether the properties had garages, basements, or other features, such as porches, patios, and decks. The adjusted prices ranged from $29,900 to $33,000, which Tapp reconciled to a value of $32,000 for the subject property. *Ex. R-361A*

13. At the Assessor's request, Tapp also applied the GRM method. For that analysis, he used market rent of $775/month and a GRM of 40, both of which he estimated "based on rents and sale prices of the included sales as well as the reported rent of the subject." His GRM analysis yielded a value of $31,000. *Ex. R-361A.*

14. Tapp concluded that he had sufficient comparable market data to develop a reliable value opinion under the sales-comparison approach and that his analysis under the GRM method was generally supportive of the value indicated by the sales-comparison approach. He therefore settled on a value of $32,000 for the subject property. *Ex. R-361A.*

D. Phillips' Spreadsheet of Purportedly Comparable Sales

15. Phillips offered a spreadsheet with data concerning 29 sales from 2023. It listed the sale dates and prices (both overall and per-square-foot) as well as each home's total area. The homes ranged from 672 to 2,174 square feet and sold for prices ranging from $4,400 to $45,000. Phillips did not provide any other information about the properties. Nor did he analyze how any differences between those properties and the subject property affected their relative values. *Phillips testimony; Ex.1.*

Parties' Contentions

A. Phillips' Contentions

16. Phillips argued that the subject property's assessment was too high. There are properties on his spreadsheet of comparable sales with values lower than $38,200, which, according to Phillips, are generally over assessed as well. Phillips also contended that the Assessor's GRM of 5.1 is inaccurate because the neighborhood is "rough" and there is little parking available.

17. Phillips argued that his $15,000 purchase price is important and that the subject property was over-assessed by $23,200. But in a comment directed at the Assessor, he also said, "I gladly accept your appraisal."

B. The Assessor's Contentions

18. The Assessor conceded he could not support the property's assessed value of $38,200. He stipulated that Tapp's appraisal was the most accurate evidence and admitted that the property's value was either $31,000 or $32,000.

Conclusions of Law and Analysis

A. The Assessor had the burden of proof.

19. Generally, a taxpayer has the burden of proof when challenging a property's 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." I.C. § 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.* 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).

21. As previously discussed, the Assessor admitted that the subject property's assessment increased more than 5% from 2023 to 2024. He therefore had the burden of proof.

B. The totality of the evidence shows the subject property's true tax value is $32,000.

22. We are 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 "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).

23. 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.

24. 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.

25. 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). The GRM method is the preferred method for valuing properties with between one and four rental units. I.C. § 6-1.1-4-39(b). 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 2024 assessments, the valuation date was January 1, 2024. I.C. § 6-1.1-2-1.5(a).

26. The Assessor offered (1) his office's analysis under the GRM method, which concluded a value of $44,400, and (2) Tapp's appraisal report. But he stipulated that the conclusions in Tapp's appraisal were the most accurate. We therefore need not discuss the higher value conclusion from the Assessor's GRM analysis.

27. Turning to Tapp's USPAP-compliant appraisal report, we find that Tapp based his opinion on objectively verifiable market evidence and offered sufficient detail to show that he complied with generally accepted appraisal principles in applying the sales-comparison approach, which is the approach on which he primarily relied in reaching his opinion of value. Tapp's appraisal report therefore suffices to make a prima facie case that the subject property's true tax value was $32,000.

28. And that opinion is the most persuasive evidence of the property's value. We recognize that Tapp estimated a slightly lower value of $31,000 using the GRM method and that the GRM method is the statutorily preferred method for determining the true tax value of a single-unit rental property, like the subject property. But "preferred" does not mean

"required." In this case, Tapp gave greater weight to his estimate under the sales-comparison approach and simply found that the GRM method supported that estimate. Unlike his sales-comparison analysis, Tapp's report contains only a cursory explanation of his analysis using the GRM method. Under those circumstances, we find that Tapp's value estimate under the GRM method does not independently show the property's true tax value.

29. Similarly, Phillips failed to make a prima facie case to prove a lower value than what Tapp estimated in his appraisal. Phillips relied on two things to support his claim: (1) a spreadsheet with limited information about properties he contended were comparable to the subject property, and (2) the price he paid to buy the property in July 2022. Neither is sufficiently probative to establish the property's true tax value.

30. Beyond providing the total area for each home on his spreadsheet, Phillips did nothing to compare the characteristics of the listed properties to the subject property, and he did not even attempt to explain how relevant differences affected the properties' relative values. His raw sales data therefore lacks probative weight. *See Long v. Wayne Twp. Ass'r*, 821 N.E.2d 466, 471 (Ind. Tax Ct. 2005) (holding that taxpayers' comparative sales data lacked probative value where they failed to explain how the purportedly comparable properties compared to their property or how relevant differences affected the properties' relative values).

31. Phillips' purchase price is similarly of little use in determining the property's true tax value. The sale occurred nearly 1 ½ years before the relevant January 1, 2024, valuation date, and Phillips offered no evidence relating his purchase price to that date. In any case, Phillips made enough improvements to transform the property from being uninhabitable when he bought it to capable of being rented for [redacted] per month. Under those circumstances, the sale price does not reliably show the property's value on the valuation date.

32. Based on the totality of the evidence, we find that the subject property's true tax value was $32,000, as indicated by Tapp's appraisal report.

Conclusion

33. Because the totality of the evidence shows that the subject property's true tax value was $32,000, we order the assessment to be changed to that amount.

Date: October 17, 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>.