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,	)	Petition No.: 82-029-24-1-5-01140-24
	)	
Petitioner,	)	
	)	Parcel No.: 82-05-13-028-077.002-029
v.	)	
	)	
VANDERBURGH COUNTY ASSESSOR,	)	County: Vanderburgh
	)	
Respondent.	)	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 challenged the assessment for his residential rental property. Because the evidence presented by Phillips was insufficient to prove the assessment was incorrect, we order no change to the assessment.

Procedural History

2. On April 13, 2024, Phillips filed a Form 130 petition contesting the 2024 assessment of his property located at 1910 North Fulton Avenue in Evansville ("subject property"). On December 6, 2024, the Vanderburgh County Property Tax Assessment Board of Appeals ("PTABOA") issued a decision sustaining the 2024 assessment of $31,200 ($4,900 for

land and $26,300 for improvements). On December 26, 2024, Phillips filed a Form 131 petition with us.

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. Phillips, Jacki Doty-Fox, and Cara Schuster testified under oath.

4. Phillips initially indicated that assessments had increased significantly across various properties he owned, but the only specific properties he referenced were not at issue in the hearing. When counsel for the Assessor indicated that he did not think the assessments for the properties at issue had increased by more than 5%, Phillips responded, "if [Assessor's counsel] says they did not, then I'm not gonna argue with him, but. . ." Counsel for the Assessor later indicated that the assessment for one of the properties, 736 E. Delaware St., had increased by more than 5%, but that the subject property's assessment had increased by only about 3%. Fulton did not contest that assertion. Neither side, however, offered any evidence to show what the subject property's assessment was for 2023.

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:[2]

Exhibit R-1140A:	Appraisal Report for the subject property completed by Marco G. Butturi,[3]
Exhibit R-1140D:	Phillips' IRS Schedule E filing (Confidential),

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[1] The other properties were 1021 North 4th Ave. (pet. no. 82-029-24-1-5-011238), 736 E. Delaware St. (pet. no. 82-029-24-1-5-00361-24), and 403 E. Virginia St. (pet. no. 82-029-1-5-01141-24).

[2] The Assessor's exhibit coversheet is correctly titled "R-1140" but lists the exhibits as "R-1138." The exhibits themselves are correctly labeled "R-1140."

[3] Phillips initially objected to the admission of the appraisal because he believed he had not received it. He later found the appraisal and withdrew his objection.

Exhibit R-1140F:	Gross rent multiplier ("GRM") calculation sheet for Pigeon Township,
Exhibit R-1140G:	GRM calculation sheet for the subject property.

7. The record also includes the following: (1) all petitions or 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.

Findings of Fact

A. The Subject Property

8. The subject property contains a 1,192-square-foot home on a 4,775-square-foot lot. Phillips uses it as a rental property. *Ex. R-1140A; Emig argument.*

9. Phillips bought the property for $16,000 on August 16, 2021. The home needed repairs and renovation at that time, and Phillips later installed a new roof. *Ex. R-1140A; Phillips testimony.*

B. The Assessor's GRM Analysis

10. The Assessor used the cost approach to determine the property's assessment. After Phillips filed his appeal, the Assessor's appeals department, including Cara Schuster, used the gross rent multiplier ("GRM") method to estimate the 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 to arrive at a value of [redacted]. *Doty-Fox, Schuster testimony; Exs. R-1140F, R-1140G.*

C. Appraisal Report

11. The Assessor also offered an appraisal report from Marco G. Butturi of Appraisal Consultants, Inc., in which Butturi estimated the subject property's market value at

$75,000 as of January 1, 2024. Butturi, who is a certified appraiser, asserted that he prepared his report in accordance with the Uniform Standards of Professional Appraisal Practice. *Doty-Fox testimony; Ex. R-1140A.*

12. Butturi applied two valuation approaches: the sales-comparison approach and the GRM method. For his sales-comparison analysis, Butturi relied on the sales of four comparable properties. He adjusted the sale prices to account for differences in market conditions between the sale dates and his January 1, 2024, valuation date, as well as for differences in characteristics like location, construction quality, age, gross living area, and whether the properties had garages, basements, and fireplaces. The adjusted prices ranged from $61,900 to $79,700, which Butturi reconciled to a value of $75,000 for the subject property. *Ex. R-1140A.*

13. For his GRM analysis, Butturi first examined three comparable rental properties from Center and Knight townships to estimate the subject property's market rent. He did not identify those properties, their characteristics, or their rental rates in his report. He made what he described as small adjustments to their rental rates to account for various ways in which they differed from the subject property, which yielded adjusted rates ranging from $795/month to $1,100/month. He reconciled those rates to rent of $950/month for the subject property. *Ex. R-1140A.*

14. To determine a GRM, Butturi looked for comparable rental properties within five miles of the subject property that had sold within the last five years. Excluding outliers, the extracted GRMs (based on monthly rent) ranged from 35 to 139. Although Butturi found that the data was insufficient for a reliable statistical analysis, he believed it provided "some data" to estimate a reliable GRM for single-family rental properties in the subject property's market area. Based on the subject home's condition, construction quality, and available features, he believed a GRM of 100 was appropriate. Butturi then multiplied the subject property's market rent by his estimated GRM. But he inexplicably used

market rent of $725/month instead of his reconciled rent of $950/month. That led to a value of $72,500. *Ex. R-1140A.*

15. In reconciling his conclusions under the two approaches, Butturi found that his sales-comparison analysis was based on better data and support than his analysis using the GRM method, and he settled on a value matching his conclusion under the sales-comparison approach. *Ex. R-1140A.*

D. Phillips' Spreadsheet of Purportedly Comparable Sales

16. 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

17. Phillips argued that the subject property's assessment is too high and that the Assessor failed to consider his purchase price and the comparable sales he provided. He disagreed that putting a roof on the house increased the property's value. He also contended that the Assessor's GRM of 5.1 is inaccurate.

18. Phillips further criticized what he characterized as a double standard by the Assessor regarding what qualifies as a comparable property. According to Phillips, the Assessor held him to a strict standard of comparability. Yet for his own evidence, the Assessor used homes that differed in size from the subject home and that sold for a wide range of GRMs.

B. The Assessor's Contentions

19. The Assessor believes that the subject property's assessment should be upheld. He contended that Phillips did not provide any credible evidence of the property's value, arguing that Phillips's spreadsheet contains mostly invalid sales of properties that are not comparable to the subject property. The Assessor also disputed Phillips's claim that there is a double standard regarding comparable properties. According to the Assessor, determining properties to use in computing a GRM differs from finding comparable properties for a sales-comparison analysis.

20. While the Assessor agrees with Butturi's valuation opinion, he does not typically seek assessment increases in tax appeals.

Conclusions of Law

A. We must start with the presumption that the PTABOA's assessment determination is equal to the subject property's true tax value.

21. 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 be equal to the property's true tax value until rebutted by evidence presented by the parties." I.C. § 6-1.1-15-20(a). If the totality of the evidence does not suffice to determine the property's true tax value, the presumption holds. I.C. § 6-1.1-15-20(f).

22. 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).

23. As explained above, Phillips did not dispute the Assessor's assertion that the subject property's assessment had not increased by more than 5% over the prior year. In any case, if Phillips wanted to take advantage of I.C. § 6-1.1-15-20's burden-shifting provisions, he needed to establish a factual predicate for doing so by offering evidence to show the prior year's assessment. He failed to do that, and we therefore must begin with the presumption that PTABOA's assessment determination equals the property's true tax value.

B. Phillips failed to rebut the presumption that the subject property's assessment equals its true tax value.

24. 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).

25. 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.

26. 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.

27. 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, like the subject property, 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).

28. Phillips failed to make a prima facie case for changing the assessment. He relied on two things to support his claim: (1) a spreadsheet with limited information about sales of properties that he contended were comparable to the subject property, and (2) the price he paid to buy the property in August 2021. Neither is sufficiently probative to establish the property's true tax value.

29. 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).

30. Phillips' purchase price is similarly of little use in determining the property's true tax value. The sale was more than two years before the relevant January 1, 2024, valuation date, and Phillips offered no evidence relating his purchase price to that date. Moreover, Phillips acknowledged that he replaced the roof after he bought the property, which likely added to its value.

Conclusion

31. Phillips failed to present sufficient evidence to rebut the assessment. We therefore find for the Assessor and order no change to the assessment.

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 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>.