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.: 82-029-24-1-5-01141-24
Petitioner,	)	
	)	Parcel No.: 82-06-20-025-031.002-029
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 Phillips 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 15, 2024, Phillips filed a Form 130 petition contesting the 2024 assessment of his property located at 403 East Virginia Street in Evansville ("subject parcel"). On December 6, 2024, the Vanderburgh County Property Tax Assessment Board of Appeals ("PTABOA") issued a determination sustaining the 2024 assessment of $37,300 ($4,300

for land and $33,000 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 parcel. 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 offered the following exhibit regarding this appeal:

Exhibit 1:	Spreadsheet with comparable properties[2]

5. The Assessor offered the following exhibits regarding this appeal:[3]

Exhibit R-1141A:	Appraisal Report for the subject parcel completed by Randall S. Tapp,
Exhibit R-1141E:	Lease for the subject parcel and 401 Virginia (Confidential),
Exhibit R-1141F:	Gross rent multiplier ("GRM") calculation sheet for Pigeon Township,
Exhibit R-1141G:	GRM calculation sheet,
Exhibit R-1141I:	Documents that Phillips submitted to the Assessor (property record card ("PRC") for 401 East Virginia, photograph, Form 130, subject PRC, emails from Phillips to the Assessor, Phillips' listing of sold properties).

6. 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.

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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 1910 N. Fulton Ave (pet. no. 82-029-1-5-01140-24).

[2] Phillips originally offered this exhibit in connection with his appeal concerning the property at 1910 N. Fullerton Ave., but he later indicated that he wanted to rely on the exhibit for all his appeals. The Assessor offered a different spreadsheet that Phillips had submitted to the PTABOA. The ALJ incorrectly indicated that the two spreadsheets were the same.

[3] The Assessor's exhibit coversheet is correctly titled "R-1141" but lists the exhibits as "R-1138." The exhibits themselves are correctly labeled "R-1141."

Findings of Fact

A. The Subject Parcel

7. The subject parcel contains a 1,392-square-foot home on an approximately .08-acre lot. Phillips uses it as a rental property and leases it out together with an approximately .05-acre vacant lot located adjacent to the subject parcel at 401 E. Virginia Street. *Phillips testimony; Doty-Fox testimony; Exs. R-1141E, R-1141I.*

8. Phillips bought the subject parcel for $30,000 in January 2022. He bought the adjacent lot for $250 shortly thereafter. The subject parcel's assessment increased by 3% between 2023 and 2024, rising from $36,200 to $37,300. The adjacent lot was assessed at $3,500 for both years. *Phillips testimony; Ex. R-1141I.*

B. The Assessor's GRM Analysis

9. After Phillips filed his appeal, the Assessor's appeals department, including Cara Schuster, used the gross rent multiplier ("GRM") method to estimate the combined value of the subject parcel and adjacent lot. 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 annual rent for the subject parcel and adjacent lot. That yielded a rounded value of [redacted] *Doty-Fox, Schuster testimony; Exs. R-1141E - G.*

C. Appraisal Report

10. The Assessor also offered an appraisal report from Randall S. Tapp of Appraisal Consultants, Inc., in which Tapp estimated the subject parcel's market value at $34,000 as of January 1, 2024. He did not reference the adjacent parcel in his report. Tapp, who is a certified appraiser, asserted that he prepared his report in accordance with the Uniform Standards of Professional Appraisal Practice. *Ex. R-1141A; Doty-Fox testimony.*

11. 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 March to July of 2023. Tapp adjusted the prices to account for sales or financing concessions as well as for differences between the comparable properties and the subject parcel in terms of relevant characteristics like construction design and quality, condition, gross living area, and whether the properties had garages, basements, fireplaces, and patios. The adjusted prices ranged from $30,000 to $38,000, which Tapp reconciled to a value of $34,000 for the subject parcel. *Ex. R-1141A.*

12. At the Assessor's request, Tapp also applied the GRM method. For that analysis, he first determined market rent by considering both the subject property's reported rent and the rent for other properties in the neighborhood, although he did not provide any information about those properties. He settled on monthly rent of $725. He then estimated a GRM of 55 "based on sales of rentals of similar bedroom count, quality and condition in the neighborhood." Applying that GRM to his estimated market rent yielded a value of $39,875. *Ex. R-1141A.*

13. 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 generally supported the value range indicated by the sales-comparison approach. He therefore settled on a value of $34,000 for the subject parcel. *Ex. R-1141A.*

D. Phillips' Spreadsheet of Purportedly Comparable Sales

14. Phillips pointed to his 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. The spreadsheet includes entries for 14 W. Maryland, a 1,168-square-foot home that sold for $35,000; 217 W. Oregon, a 1,176-square-foot home that sold for

$23,500; and 201 E. Oregon, a 1,151-square-foot home that sold for $10,000. *Phillips testimony; Ex. 1; Ex. R-1141A.*

15. Phillips did not provide any other information about the properties. Nor did he analyze how any differences between those properties and the subject parcel affected their relative values.

Parties' Contentions

A. Phillips' Contentions

16. Phillips argued that the subject parcel's assessment is too high and that the Assessor's GRM of 5.1 is inaccurate. He described Tapp's appraisal as "fair."

17. Based on his spreadsheet, especially the entries for 14 W. Maryland, 217 W. Oregon, and 201 E. Oregon, Phillips suggested a value of "30-something thousand dollars" for the subject parcel.

B. The Assessor's Contentions

18. The Assessor believes that the evidence supports the property's assessment.

Conclusions of Law

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

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 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).

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 discussed above, the subject parcel's assessment increased by only 3% between 2023 and 2024. We therefore begin with the presumption that the PTABOA's assessment determination equals the parcel's true tax value.

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

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. 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 parcel, and (2) the price he paid to buy the parcel in January 2022. Neither is sufficiently probative to establish the property's true tax value.

27. 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 parcel, 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).

28. The $30,000 purchase price from when Phillips bought the subject parcel likewise does not suffice to prove its true tax value. That sale was nearly two years before the relevant January 1, 2024, valuation date, and Phillips offered no evidence relating his purchase price to that date.

Conclusion

29. 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

Jonathan R. Elrod
Chairman, Indiana Board of Tax Review

Timothy Schultz
Commissioner, Indiana Board of Tax Review

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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>.