

# **INDIANA BOARD OF TAX REVIEW**

## **Small Claims Final Determination Findings and Conclusions**

**Petition No.:** 41-036-23-1-5-00515-24  
**Petitioner:** Charles A. Rector  
**Respondent:** Johnson County Assessor  
**Parcel No.:** 41-09-01-041-002.000-036  
**Assessment Year:** 2023

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

### **Procedural History**

1. Charles A. Rector (“Rector”) filed a form HC10 on June 24, 2024, seeking a standard homestead deduction for his property located at 2375 Game Bird Drive in Franklin. The Johnson County Auditor approved the deduction for the 2024 assessment year, but not for 2023. Rector appealed this decision to the Johnson County Property Tax Assessment Board of Appeals (“PTABOA”).<sup>1</sup> On July 9, 2024, the PTABOA issued its decision finding Rector was not entitled to the homestead deduction for the 2023 assessment year.
2. On August 21, 2024, Rector appealed to the Board and elected to proceed under our small claims procedures. On January 9, 2025, Dalene McMillen, the Board’s Administrative Law Judge (“ALJ”), held a telephonic hearing. Neither the Board nor the ALJ inspected the property.
3. Rector and Johnson County Assessor Michael S. Watkins testified under oath.

### **Record**

4. The official record for this matter includes the following:<sup>2</sup>

Respondent Exhibit A: Excerpts from Indiana Code § 6-1.1-12-37 (2024),  
Respondent Exhibit B: Claim for Homestead Property Tax Standard /  
Supplemental Deduction – Form HC10 (page 1),

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<sup>1</sup> The Form 130 submitted to the Board is not dated.

<sup>2</sup> The Petitioner did not offer any exhibits.

Respondent Exhibit C: Sales disclosure form dated September 14, 2021.

5. 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) a digital recording of the hearing.

### **Findings of Fact**

6. Rector purchased the property on September 9, 2021. At the time, it was a vacant parcel of land. As part of the purchase, he signed a sales disclosure form that was prepared by the title company. *Rector testimony; Watkins testimony; Resp't Ex. C.*
7. The Assessor received Rector's sales disclosure form on September 14, 2021. In Section J of that form, which allows taxpayers to apply for various deductions, Rector checked the box indicating that the property would not be his primary residence. He also checked the boxes indicating he was not applying for a homestead deduction and that he did not have an Indiana homestead to be vacated for the property. *Watkins testimony; Resp't Ex. C.*
8. Rector subsequently signed a contract with a builder, who began constructing a house on the property in 2021. Rector moved into the home in June of 2022. *Rector testimony.*
9. In 2024, Rector received an updated escrow statement from his bank with a significantly higher monthly payment. He then discovered that he did not have a homestead deduction on the subject property. On June 25, 2024, Rector applied for a homestead deduction using Form HC10. *Rector testimony; Watkins testimony; Resp't Ex. B.*

### **Contentions**

10. Summary of the Petitioner's case:
  - a) Rector argued that he should receive the homestead deduction for the 2023 assessment year because he did not realize he was not receiving it until the bank sent paperwork increasing his escrow, and he would have timely applied for it if he had known he was supposed to. *Rector testimony.*
11. Summary of the Assessor's case:
  - a) The Assessor argued that Indiana Code § 6-1.1-12-37 (2024) required that an application for a homestead deduction for taxes due in a particular year be filed by January 5 of that year. In addition, the Assessor noted that Rector did not apply for the homestead deduction with the sales disclosure form and did not file the Form HC10 application until June 25, 2024. Finally, the Assessor argued that the Indiana

Code does not permit the Assessor to disregard the statutory deadline. *Watkins testimony*.

### Analysis

12. Pursuant to I.C. § 6-1.1-12-37, taxpayers are entitled to a “standard homestead deduction”<sup>3</sup> for property that is owned and used as a primary place of residence. I.C. § 6-1.1-12-37(a)-(c) (2023). A taxpayer must apply for the standard homestead deduction in one of two ways. First, a taxpayer could file a certified statement with the county auditor through a form prescribed by the Department of Local Government Finance (“DLGF”) entitled “Claim for Homestead Property Tax Standard/Supplemental Deduction Form” and known as the “Form HC10.” See I.C. § 6-1.1-12-37(e)(2024); 50 IAC 24-4-2. A taxpayer had to (1) complete Form HC10 within the calendar year of the assessment to which it sought to have the deduction apply, and (2) file that form with the county auditor on or before January 5 of the immediately succeeding year (i.e. the year the taxes were first due and payable).<sup>4</sup> *Id.* Alternatively, under I.C. § 6-1.1-12-44, a taxpayer could apply for the standard homestead deduction through a sales disclosure form at the time the property is acquired. For the 2023 assessment year, the deadline to apply for the homestead deduction was January 5, 2024. I.C. § 6-1.1-12-37(e)(2024).
13. Rector did not apply for the homestead deduction using the sales disclosure form when he purchased the property. Instead, he filed a Form HC10 on June 25, 2024, over six months after the statutory deadline of January 5, 2024. Rector asks us to set aside the statutory deadline because his error was inadvertent, and he would have timely applied for the homestead deduction if he had known that he needed to.
14. We sympathize with Rector’s situation, especially given that there is no indication that he would not have otherwise qualified for a homestead deduction for the 2023 assessment year. But the Board is a creation of the Legislature and has only those powers conveyed by statute. *Whetzel v. Dep’t of Local Gov’t Finance*, 761 N.E.2d 904 (Ind. Tax Ct. 2002) (citing *Matonovich v. State Bd. of Tax Comm’rs*, 705 N.E.2d 1093, 1096 (Ind. Tax Ct. 1999)). And no statute gives us the authority to waive statutory deadlines. Thus, we are unable to grant any relief.

### Final Determination


In accordance with these findings and conclusions, we find that Rector is not entitled to the standard homestead deduction for the 2023 assessment year.


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<sup>3</sup> A taxpayer entitled to the standard homestead deduction also receives the supplemental homestead deduction and a tax cap credit. I.C. § 6-1.1-12-37.5; I.C. § 6-1.1-20.6-7.5(a)(1).

<sup>4</sup> Effective January 1, 2025, there is a single deadline for taxpayers to both complete and file the Form HC10: January 15<sup>th</sup> of the year in which taxes on an assessment are first due and payable. P.L. 136-2024.

ISSUED: March 27, 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>>