

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

Petition: 41-041-24-1-1-00206-25
Petitioners: Ryan L. & Michelle P. Suess
Respondent: Johnson County Assessor
Parcel: 41-04-01-012-007.000-041
Assessment Year: 2024

The Indiana Board of Tax Review issues this determination, finding and concluding as follows:

Procedural History

1. Ryan and Michelle Suess contested the 2024 assessment of their property located at 1345 West Smith Valley Road in Greenwood.¹ On February 25, 2025, the Johnson County Property Tax Assessment Board of Appeals (“PTABOA”) issued a decision sustaining the assessment of \$631,700 (\$35,200 for land and \$596,500 for improvements). On April 7, 2025, the Suesses filed a Form 131 petition with us.
2. On October 30, 2025, our designated administrative law judge, Joseph Stanford (“ALJ”), held a telephonic hearing on the Suesses’ petition. Neither he nor the Board inspected the property. Ryan Suess and Michael Watkins, the Johnson County Assessor testified under oath.

Record

3. The official record for this matter includes the following:

Petitioners Exhibit A:	Assessment history and estimated market value for the subject property from <i>Zillow.com</i> ,
Petitioners Exhibit B:	Second page of the subject’s property record card,
Petitioners Exhibit C:	Photographs from a 2018 sale listing for the subject property with the Metropolitan Indianapolis Board of Realtors (“MIBOR”),
Petitioners Exhibit D:	Photograph of the subject’s basement,
Petitioners Exhibit E:	Partial inspection report for exterior deck,
Petitioners Exhibit F:	Photograph of deck and hot tub,
Petitioners Exhibit G:	Photograph of the area that contained the subject property’s deck and hot tub,
Petitioners Exhibit H:	Photograph of deck,
Petitioners Exhibit I:	<i>Zillow.com</i> report for 3310 Buckmoor Parkway, Greenwood,

¹ The record does not indicate when the Suesses filed their appeal with the Assessor.

Petitioners Exhibit J: *Zillow.com* report with assessment history and estimated market value for 3310 Buckmoor Parkway,
 Petitioners Exhibit K: *Zillow.com* report for 929 Thornwood Drive, Greenwood,
 Petitioners Exhibit L: *Zillow.com report* with assessment history and estimated market value for 929 Thornwood Drive,
 Petitioners Exhibit M: *Homes.com* report for 5411 Innisbrooke Drive, Greenwood
 Petitioners Exhibit N: Assessment history for 5411 Innisbrooke Drive.

Respondent Exhibit A: 2023 subject property record card,
 Respondent Exhibit B: 2024 subject property record card,
 Respondent Exhibit C: Form 134,
 Respondent Exhibit D: 2024 MIBOR listing for the subject property,
 Respondent Exhibit E: Letter from the previous owners, the Stones, from MIBOR,
 Respondent Exhibit F: The subject's MIBOR sale listing history,
 Respondent Exhibit G: Subject property upgrade information from MIBOR,
 Respondent Exhibit H: Email from Ryan Suess to Dana Pfaffenberger of the Assessor's office, dated November 21, 2024,
 Respondent Exhibit I: Email from Dana Pfaffenberger to Ryan Suess, dated November 12, 2024,
 Respondent Exhibit J: Form 115,
 Respondent Exhibit K: The Assessor's request for evidence, dated October 15, 2024,
 Respondent Exhibit L: Form 131 petition,
 Respondent Exhibit M: Application for classification as a forest land and/or wildland, date stamped October 23, 2019,
 Respondent Exhibit N: Sales disclosure form, signed February 16, 2024,
 Respondent Exhibit O: Text of Indiana Code § 6-1.1-15-20.

4. 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, and (3) an audio recording of the hearing.

Findings of Fact

A. The subject property

5. On January 1, 2024, the subject property contained a two-story 3,921-square-foot home built in 1989. The home included a finished attic, and a 1,160-square-foot basement, 1,115 square feet of which were finished. It had five bedrooms and 3 ½ bathrooms. It also had an attached multi-car garage and two decks. The property included 11.58 acres of land, 10.58 acres of which the Indiana Department of Natural Resources classified as

native forest land or forest plantation. Because of that forest land, the property is classified as agricultural for assessment purposes. *Resp't Exs. B, D, M.*

B. Renovations to the property

6. The previous owners, Adam and Laura Stone, bought the property in March 2018 after it had been listed for sale with MIBOR. In August 2023,² the Stones decided to move, and they listed the property for sale with MIBOR. The Suesses then bought the property for \$850,000 on February 16, 2024. According to Ryan Suess, they placed significant value on the classified forest land. *Resp't Exs. B, N.*
7. The Stones renovated the home during the time they owned it. Those renovations included, among other things:
 - remodeling the kitchen, which included installing custom cabinets and quartz countertops; and
 - finishing the basement, which included installing vinyl-plank flooring and building a full bathroom.

Suess testimony; Watkins testimony; Pet'r Exs. C-D; Resp't Exs. D-G.

8. After comparing photographs from the two MIBOR listings, we find that the basement already had a significant level of finish before the Stones further renovated it. Similarly, the attic was finished sometime before the Stones bought the property. *Suess testimony; Pet'r Exs. C-D.*
9. Taken together, we find that the changes made by the Stones, the previous partial finishing of the basement, and the finishing of the attic amounted to a substantial renovation of the property.
10. The subject property's overall assessment increased steadily between 2020 and 2023, rising from \$311,700 to \$396,700 over that period. Those overall increases were attributable almost exclusively to increases in the value assigned to the home. The classified land was valued at between \$100 and \$200 each year, while the one-acre homesite was consistently valued at \$35,000. *Resp't Exs. A-B.*
11. The parties disagree about whether the Assessor's office considered the renovations to the property in determining the assessments during that period. The Suesses believe that the increases in the value assigned to the home were based on the renovations. The Assessor was not in office during that period. But he believes that the increases stemmed from things like changes in the neighborhood factor. Based on his review of the records, he believes that the Assessor's office did not know about the renovations until the Stones' MIBOR listing brought them to his attention. *Suess testimony; Watkins testimony.*

² The MIBOR listing dates from the Assessor's exhibits are barely legible, but it appears that the Stones first listed the property on August 4, 2023. *Exs. D, F.*

12. We credit the Assessor's testimony and find (1) that the Assessor's office did not know about the Stones' renovations, the earlier partial finishing of the basement, or the finishing of the attic space until the Stones listed the property with MIBOR, and (2) that none of those renovations were considered in determining the property's assessment before 2024. The 2023 property record card supports our finding. That card reflected the basement and attic space as both being unfinished and the home as having only 2 ½ bathrooms.
13. After discovering those changes to the home, the Assessor applied them to its assessment. Among other things, he (1) assessed 1,115 square feet of the basement as finished, (2) accounted for the finished attic by increasing the total finished area for the second floor, and (3) changed the home's effective year built from 1989 to 2012. That last change reduced the amount of depreciation the Assessor applied to the home's replacement cost by 14%. *Watkins testimony; Resp't Exs. A-B.*
14. The 2024 assessment of \$631,700 represented a 59% increase over the prior year. We find that the increase was based, in significant part, on substantial renovations to the property that had not been considered in the prior year's assessment.

C. Assessment and sales data for other properties

15. The Suesses offered some data from *Zillow.com* and *Homes.com* for three other Greenwood properties:
 - 3310 Buckmoor Pkwy. This property had a 4,181-square-foot home with five bedrooms and four bathrooms that was built in 1987. It sat on a .25-acre lot. The property sold for \$475,000 on May 31, 2022, and it was assessed for \$469,000 in 2024.
 - 929 Thornwood Dr. This property had a 3,770-square-foot home with four bedrooms and three bathrooms that was built in 1995. It sat on a .22-acre lot. There is no indication whether the property sold. Although the *Zillow.com* report lists assessment information for the property, the entry for the 2024 assessment is illegible.
 - 5411 Innisbrooke Ct. This property had a 3,888-square-foot home with four bedrooms, 4 ½ bathrooms, and an attached three-car garage. It sat on a .38-acre lot. The property sold for \$480,000 on an undisclosed date. It was assessed for \$436,200 in 2024.

Suess testimony; Pet'r Exs. I-N.

16. The Suesses did not offer any comparative data beyond what was contained in the *Zillow.com* and *Homes.com* reports. Nor did the Suesses explain how relevant differences between those three properties and the subject property affected their relative

values. We therefore find that the data from the *Zillow.com* and *Homes.com* reports is insufficient to demonstrate the subject property's true tax value.

Conclusions of Law and Analysis

A. The Suesses had the burden of proving the property's true tax value.

17. 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" until the parties offer evidence to rebut that presumption. Ind. Code § 6-1.1-15-20(a) (eff. Mar. 21, 2022). 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).
18. However, the burden of proof normally 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). Under those circumstances, 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." I.C. § 6-1.1-15-20(b). If the burden has shifted, and "the totality of the evidence presented to the [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).
19. Even if an assessment increases by more than 5% between years, there are some circumstances under which the burden does not shift to the assessor, and we must still begin with the rebuttable presumption that the assessment under appeal equals the property's true tax value. One such circumstance is where the increase was based on "substantial renovations or new improvements . . . that were not considered in the assessment for the prior tax year." I.C. § 6-1.1-15-20(d)(1).
20. The subject property's assessment increased by 59% between 2023 and 2024. As explained in our factual findings, however, the increase was based on substantial renovations that were not considered in the 2023 assessment. The burden of proof therefore did not shift to the Assessor, and we must presume the assessment under appeal is equal to the subject property's true tax value unless and until rebutted by evidence that is sufficient to determine the property's value.

B. Because the totality of the evidence does not suffice to determine the subject property's true tax value, we must presume its value is equal to the assessment.

21. 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." I.C. § 6-1.1-15-20(f). 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).

22. True tax value does not mean “fair market value” or “the value of the property to the user.” Ind. Code § 6-1.1-31-6(c), (e) (2024). Instead, it is determined under the rules of the Department of Local Government Finance (“DLGF”). Ind. Code § 6-1.1-31-5(a) (2024); I.C. § 6-1.1- 31-6(f). For land devoted to agricultural use, true tax value must be determined in accordance with the DLGF’s Real Property Assessment Guidelines and Ind. Code § 6-1.1-4-13 (2024). 2021 REAL PROPERTY ASSESSMENT MANUAL at 2 (“In the case of agricultural land, true tax value shall be the value determined in accordance with the Guidelines adopted by the [DLGF] and IC 6-1.1-4-13.”) The Guidelines classify agricultural land types. For most of those types, the land must be assessed using a statewide base rate for each year, which assessors then adjust based on soil productivity. See 2021 REAL PROPERTY ASSESSMENT GUIDELINES, ch. 2 at 77-78. Depending on the type of agricultural land at issue, assessors must also apply influence factors in predetermined amounts, or in the case of classified forest or wildlands, value the land using a statutorily prescribed formula. See, e.g., I.C. § 6-1.1-6-14 (specifying formula for assessing classified forest or wildlands).
23. For non-agricultural property types, 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.” MANUAL at 2. For those property types, neither the taxpayer nor the assessor may rely on the mass appraisal “methodology” of the “assessment regulations.” *P/A Builders & Devs., LLC v. Jennings Cnty. Ass’r*, 842 N.E.2d 899, 900 (Ind. Tax Ct. 2006), review denied. They instead “must present objectively verifiable, market-based evidence” of the property’s value. *Piotrowski v. Shelby Cnty. Ass’r*, 177 N.E.3d 127, 132 (Ind. Tax Ct. 2021) (citation omitted). 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.
24. 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 Cnty. Ass’r*, 119 N.E.3d 1152, 1156 (Ind. Tax Ct. 2019) (citation and internal quotation marks omitted). Finally, the evidence must reliably indicate the property’s value as of the valuation date. *O’Donnell v. Dep’t of Loc. Gov’t. Fin.*, 854 N.E.2d 90, 95 (Ind. Tax Ct. 2006). For 2024 assessments, the valuation date was January 1, 2024. Ind. Code § 6-1.1-2-1.5(a) (2024).
25. In appeals of some agricultural properties, the parties are faced with a hybrid regime for proving true tax value. Land devoted to agricultural use must be valued using the soil-productivity method discussed above. But for improvements, including homes, the

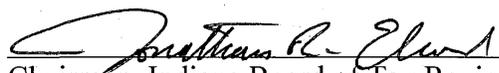
parties must offer market-based evidence to establish market value-in-use. That is also true for land used as an agricultural homesite (Type 9), which the Guidelines define as one acre per dwelling on agricultural land, and “agricultural excess acres” (Type 92). GUIDELINES at 90. Those two nominally agricultural land types are valued in the same way as residential land instead of through the soil productivity method. *See id.* at 5-13, 90 (explaining that agricultural homesites and agricultural excess acreage are not valued using the soil-productivity method but are instead valued using base rates established through sales data)

26. With those general principles in mind, we turn to the evidence. The Suesses relied mainly on sales and assessment data for three properties from Greenwood that Ryan Suess claimed were comparable to the subject property. But the *Zillow.com* and *Homes.com* reports offer details about only a few of the properties’ characteristics. More importantly, the Suesses did not even attempt to explain how relevant differences between those three properties and the subject property affected their relative values. *See Long v. Wayne Twp. Ass’r*, 821 N.E.2d 466, 470-71 (Ind. Tax Ct. 2005) (holding that taxpayers’ sales data for other properties lacked probative value where they failed to explain how the characteristics of those properties compared to their property or how any differences affected market value-in-use), *review denied*. We therefore find that the Suesses’ raw data for the three Greenwood properties does not suffice to determine the subject property’s true tax value.
27. The Suesses also pointed to the subject property’s assessment history, claiming that the assessments from 2020-2023 more accurately reflect its value than the 2024 assessment does. Simply pointing to a property’s assessment, however, does little or nothing to show its true tax value. That is especially true where the assessment is from a different year. As the Tax Court has repeatedly held, each tax year stands alone. *See, e.g., Marinov*, 119 N.E.3d at 1155-56.
28. Finally, the parties disputed whether the sale price from the Suesses’ purchase of the subject property shortly after the assessment date accurately reflected its true tax value. The Assessor claimed it did, although he also said that raising the assessment to that amount “does not feel correct.” By contrast, the Suesses argued that the sale price did not reflect the property’s true tax value, pointing to Ryan Suess’ testimony that they placed significant value on the classified forest land.
29. We agree with the Suesses. As explained above, a hybrid process must be used to determine the subject property’s value: the value for the classified forest land is determined by applying a statutory formula, while the parties must prove the value of the home and homesite through market-based evidence. Without evidence to show what portion of the sale price was attributable to the home and homesite, we cannot use it to determine the subject property’s value.
30. Because the totality of the evidence is insufficient to determine the subject property’s true tax value, we must presume that its value is equal to its assessment.

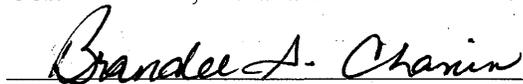
Conclusion

31. Although the subject property's assessment increased by more than 5% between 2023 and 2024, the increase was based on substantial renovations that were not considered in the 2023 assessment. We were therefore required to start with the presumption that the assessment equaled the property's true tax value. Because the parties did not rebut that presumption by offering sufficient evidence from which to determine the property's value, we order no change to the assessment.

Date: JANUARY 29, 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>.