

# INDIANA BOARD OF TAX REVIEW

## Small Claims Final Determination Findings and Conclusions

**Petition No.:** 29-020-22-1-5-00005-24  
**Petitioner:** Wilbert Vickers III  
**Respondent:** Hamilton County Assessor  
**Parcel No.:** 29-15-12-013-033.000-020  
**Assessment Year:** 2022

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

### Procedural History

1. On December 6, 2023, Wilbert Vickers III initiated an appeal seeking a standard homestead deduction for his property located at 14422 Sherbrooke Drive in McCordsville for the 2022 assessment year. On December 14, 2023, the Hamilton County Property Tax Assessment Board of Appeals (“PTABOA”) denied his appeal.
2. Vickers timely appealed to the Board and elected to proceed under our small claims procedures. On May 21, 2024, Dalene McMillen, the Board’s Administrative Law Judge (“ALJ”), held a telephonic hearing. Neither the Board nor the ALJ inspected the property.
3. Vickers appeared *pro se*. Marilyn Meighen appeared as counsel for the Assessor. Vickers and Hamilton County Auditor’s office employee Sadie Eldridge testified under oath.

### Record

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

Petitioner Exhibit 1: Sales disclosure form dated September 13, 2021,  
Petitioner Exhibit 2: Joint Report by Taxpayer / Assessor to the County Board of Appeals of Preliminary Informal Meeting – Form 134,  
Petitioner Exhibit 3: Property Tax Deductions – Removal Notification letter dated October 25, 2021,  
Petitioner Exhibit 4: Taxpayer’s Notice to Initiate an Appeal – Form 130.

Respondent Exhibit A: Warranty deed dated September 22, 2021,

Respondent Exhibit B: Sales disclosure form,  
Respondent Exhibit C: Property Tax Deductions – Removal Notification letter,  
Respondent Exhibit D: United States Postal Service proof of delivery  
information dated October 30, 2021,  
Respondent Exhibit E: Excerpts from Ind. Code § 6-1.1-12-37 (2024) and I.C. §  
6-1.1-12-44 (2023 & 2024).

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. Vickers purchased the subject property on September 10, 2021. As part of the purchase, he signed a sales disclosure form that was prepared by the title company. This form indicated:
- The planned use of the property was “Primary Residence.”
  - The question “Will this property be the buyer’s primary residence?” was checked “Yes.”
  - The box for “Last 5 Digits of Buyer 1 SSN/Driver’s License/ID/Other Number” was left blank.
  - For the “Homestead” line, both the “Yes” and “No” boxes had “x” marks, and beside the “No” box were circled initials “LM.”

Pursuant to IC 6-1.1-12-44, the Sales Disclosure Form may be used to apply for certain deductions. Identify all those that apply.		
YES	NO	CONDITION
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1. Will this property be the buyer's primary residence?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2. Does the buyer have a homestead to be vacated for this residence? If yes, provided address:
Address (number and street)		
City, state, and ZIP Code		
County		
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3. Homestead
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4. Solar Energy Heating or Cooling System
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. Wind Power Device
<input type="checkbox"/>	<input checked="" type="checkbox"/>	6. Hydroelectric Power Device
<input type="checkbox"/>	<input checked="" type="checkbox"/>	7. Geothermal Energy Heating or Cooling Device

- Lexis McGee of the title company is listed as the preparer of the sales disclosure form.
  - Portions of the sales disclosure were digitally completed, but the items pertaining to the homestead were marked with an ink pen.
7. We find that the “No” box was marked in error, and it was corrected or clarified by McGee, the preparer of the sales disclosure form. Vickers clearly intended to apply for the standard homestead deduction through the sales disclosure form. At all relevant times, the subject property was Vickers’s primary residence. *Vickers testimony; Eldridge testimony; Pet’r Ex. 1; Resp’t Exs. A & B.*
8. The Assessor received Vickers’s sales disclosure form on September 21, 2021. The “YES” box was checked by the Assessor next to the entry “Is form completed?” The

Auditor date-stamped the sales disclosure form as filed on September 22, 2021. The “YES” box was checked by the Auditor next to the entry “Is form completed?” We find both the Assessor and the Auditor accepted Vickers’s sales disclosure form as a claim for the standard homestead deduction. *Pet’r Ex. 1.*

9. The Auditor's office sent a form letter entitled “Property Tax Deduction – Removal Notification” by certified mail to Vickers at the subject property on October 25, 2021. The letter stated that the sales disclosure form could not be considered an application for a homestead because it was “not signed by you or had incorrect certifying information.” There is no dispute that Vickers signed the form. The letter does not offer any explanation as to what “certifying information” on the sales disclosure was “incorrect.” *Pet’r Ex. 1; Resp’t. Ex. C.*
10. The letter further advised Vickers that he needed to file for the homestead by Dec. 31, 2021, or else he would not receive the standard homestead deduction for the 2022 pay 2023 tax bill. The letter was not returned to the Auditor’s office. We credit Vickers’s testimony that he did not receive the letter, and that he first learned of an issue with his claim for the standard homestead deduction when he reviewed his escrow statement in 2023. *Vickers testimony; Eldridge testimony; Resp’t. Ex. C.*

### **Contentions**

11. Summary of the Petitioner’s case:
  - a) Vickers argued that he should receive the standard homestead deduction for the 2022 assessment year because he did not find out that he was not receiving it until he received his escrow statement in 2023, and he provided the required information immediately after that. He also noted that he never received the letter from the Auditor, and if he had he would have quickly responded to it. In addition, he testified that the title company failed to inform him that he needed to provide the last five digits of his social security number or driver's license on his sales disclosure form. Finally, he claimed that the initials next to the “No” box on the sales disclosure form indicated it was marked in error. *Vickers testimony; Pet’r Ex. 1, 3.*
12. Summary of the Respondent’s case:
  - a) The Assessor claimed that Vickers’s sales disclosure form could not serve as an application for the standard homestead deduction because:
    - It was unclear whether Vickers intended to apply for the standard homestead deduction due to both the “Yes” and “No” homestead boxes being checked.
    - Vickers failed to provide either the last five digits of his social security number or driver's license, as required by Indiana Code § 6-1.1-12-37(4)(A)(i)

- Because Vickers did not file an additional homestead application before the end of 2022, he was barred from receiving the standard homestead deduction for 2023.
- b) Eldridge testified that the social security or driver's license numbers are important because they allow the Auditor to search the state database and verify the homeowner is eligible for the standard homestead deduction. In addition, the Assessor pointed out that the sales disclosure statute requires the sales disclosure form to be "accurate and complete." Finally, Eldridge noted that Vickers received the standard homestead deduction for the 2023 assessment year because he timely filed a second application for it. *Eldridge testimony; Resp't Exs. B & E.*

### Analysis

13. The question before us is whether Vickers's sales disclosure form was sufficient as an application for the standard homestead deduction. Because the Assessor and Auditor approved the sales disclosure form as complete, and Vickers has substantially complied with the statute, we find he is otherwise eligible for the standard homestead deduction and should receive it.
14. Pursuant to I.C. § 6-1.1-12-37, taxpayers are entitled to a "standard homestead deduction"<sup>1</sup> for property that is owned and used as a primary place of residence. I.C. § 6-1.1-12-37(a)-(c) (2022). A taxpayer must apply for the standard homestead deduction, and the statute provides two options for claiming it.<sup>2</sup> Under I.C. § 6-1.1-12-37(e), a taxpayer may file a certified statement with the county auditor through a homestead 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* 50 IAC 24-4-2. Alternatively, under I.C. § 6-1.1-12-44, a taxpayer may apply for the standard homestead deduction through a sales disclosure form at the time the property is acquired.
15. To claim a standard homestead deduction, the statute requires a taxpayer to file a "certified statement" that "must include" several items:
- parcel number or key number of the property
  - name of the city, town, or township in which the property is located
  - name of any other location in which the applicant or the applicant's spouse owns, is buying, or has a beneficial interest in residential real property
  - names of . . . the applicant and the applicant's spouse (if any)

---

<sup>1</sup> A taxpayer entitled to the standard homestead deduction also receives the supplemental homestead deduction and a tax cap credit. *See* I.C. § 6-1.1-12-37.5; I.C. § 6-1.1-20.6-7.5(a)(1). Vickers is claiming all of these and for simplicity we will refer simply to claiming the standard homestead deduction.

<sup>2</sup> Once the auditor grants the standard homestead deduction, it carries forward and taxpayers need not reapply. *See* I.C. § 6-1.1-27-37(e); I.C. § 6-1.1-12-17.8.

- the last five (5) digits of the applicant's Social Security number [or] the last five (5) digits of the individual's driver's license number (“identifying numbers”)

I.C. § 6-1.1-12-37(e) (2022). This information must be included whether a taxpayer applies with a Form HC10 or a sales disclosure form. I.C. § 6-1.1-5.5-5(a)(18).

16. Under I.C. § 6-1.1-12-44(a); (b), a sales disclosure form constitutes an application for a standard homestead deduction. The process is as follows:

- The sales disclosure form must be “accurate and complete”
- The form must be filed by the taxpayer with the county assessor
- The form must be filed “on or before December 31”
- The form is “approved” by the county assessor “as eligible for filing with county auditor”
- The county assessor files the form with county the auditor
- The county auditor determines if the sales disclosure form “meets the requirements”
- The county auditor determines if the property is “otherwise eligible”

A standard homestead deduction claimed in a sales disclosure form should be “applied” if it “meets the requirements of subsection (a)” and is “otherwise eligible.” I.C. § 6-1.1-12-44(b). Conversely, the auditor should not apply the standard homestead deduction if “ineligible.” I.C. § 6-1.1-12-44(c).

17. If a taxpayer disputes a denial of a deduction like the standard homestead deduction, the taxpayer has three years to appeal that determination. I.C. § 6-1.1-15-1.1(b)(3). Whether a standard homestead deduction should be granted is not always simple and may require a fact-sensitive inquiry beyond the information contained in the application. *See Monroe Cnty. Assessor v. Strychalski*, 176 N.E.3d 267 (Ind. Tax Ct. 2021); *Shapiro v. Hamilton Cnty. Assessor*, 231 N.E.3d 291 (Ind. Tax Ct. 2024). Thus, an auditor must determine whether an owner is “otherwise eligible” by looking beyond the application itself.
18. We first address the Assessor’s argument that both the “Yes” and “No” boxes were checked, and consequently, Vickers failed to claim the standard homestead deduction. We have already found as a matter of fact that Lexis McGee, the preparer of the form, intended to strike out the mark beside the “No” box. This is consistent with the reference in Section D that the “planned use” of the property is “primary residence,” and the references in Section J affirming that the property “will be the buyer’s primary residence” and denying that the buyer has another homestead to be vacated. Indeed, the Assessor’s proposition would require us to conclude that Vickers made all the representations necessary to be entitled to the standard homestead deduction but did not wish to claim it. We reject the Assessor’s contention and hold that Vickers clearly expressed his intention to claim the standard homestead deduction through the sales disclosure form.

19. We turn now to the issue of whether the sales disclosure form was ineffective *as an application* for the standard homestead deduction because Vickers omitted his identifying numbers. If so, Vickers could not merely provide his identifying numbers to prove he was eligible for the homestead standard deduction, but rather he was required to start from scratch by filing a Form HC10.
20. We begin by recognizing that the identifying numbers are critical data for auditors to determine whether a taxpayer is entitled to receive the standard homestead deduction. Without such information, it would be impossible for auditors to prevent a taxpayer from illegally receiving the benefits of a standard homestead deduction on multiple properties. We laud the Auditor's diligence in requesting the omitted data. Until Vickers provided his identifying numbers, there can be no doubt the Auditor was justified in denying Vickers's claim for the standard homestead deduction. The question here is not whether the Auditor erred in initially denying Vickers's standard homestead deduction—we find the Auditor correctly withheld approval of the standard homestead deduction pending disclosure of the identifying numbers. The question is whether the application was void.
21. The requirements for a sales disclosure form, as stated in I.C. § 6-1.1-12-44(a); (b), are mostly procedural: filing process, deadlines, and the duties of assessors and auditors. The substantive burden on the taxpayer is to file an “accurate and complete” disclosure form. *Id.* Under the plain language of the statute, a sales disclosure form will “constitute an application” only if it is “accurate and complete.” *Id.*
22. Before we address the issue head on, we examine the facts of this case. Both the Assessor and the Auditor marked Vickers's sales disclosure form as “completed.” *Pet'r Ex. 1*. The Assessor apparently “approved” the sales disclosure form and confirmed it as “as eligible for filing with the county auditor” pursuant to I.C. § 6-1.1-12-44(a). Likewise, the Auditor apparently found that the “form that meets the requirements of subsection (a)” pursuant to I.C. § 6-1.1-12-44(b). These facts place the Assessor in the difficult position of maintaining that Vickers's sales disclosure form was not a complete application when both the Assessor and the Auditor took official actions accepting, processing, and marking the sales disclosure form as complete.
23. Consequently, the Assessor and Auditor would have us ignore their own official acts declaring Vickers's sales disclosure form to be complete. This strikes us as far from equitable. The concepts of waiver and estoppel are based on “the principle that no one shall be permitted to found any claim upon his own inequity or take advantage of his own wrong.” *Glass Wholesalers, Inc. v. State Bd. of Tax Comm'rs*, 568 N.E.2d 1116, 1123 (Ind. Tax 1991). While not directly applicable here, we find the concept of judicial estoppel helpful. This doctrine prevents “a party from asserting a position in a legal proceeding inconsistent with one previously asserted.” *Smith v. State*, 765 N.E.2d 578, 582 (Ind. 2002).
24. We decline to allow the Assessor and the Auditor to take a position inconsistent with their own actions approving the sales disclosure form as “completed.” The facts establish

that Vickers's sales disclosure form was approved as "complete" under I.C. § 6-1.1-12-44(a). We need not engage in further analysis. While we find Vicker's sales disclosure form effectively constituted *an application*, we emphasize again that the Auditor appropriately initially denied the standard homestead deduction based on the omission of the identifying numbers.

25. Even if the Assessor and Auditor should not be held to their official actions accepting the sales disclosure form, we find Vickers should still prevail. We conclude he substantially complied with the requirements of an "accurate and complete" sales disclosure form to a degree sufficient to *constitute an application* for the standard homestead deduction.
26. The Indiana Supreme Court has long recognized that "the summary character of assessment and taxation . . . is satisfied with a substantial compliance, in good faith, with the requirements of the statute." *Reynolds v. Bowen*, 37 N.E. 962, 963, (Ind. 1894) (considering whether an auditor complied with a statute). "Substantial compliance with statutory and regulatory requirements means compliance to the extent necessary to assure the reasonable objectives of the statute and regulation are met." *Lake County Assessor v. Amoco Sulfur Recovery Corp.*, 930 N.E.2d 1248, 1251 (Ind. Tax Ct. 2010) (punctuation related to internal quotes and edits omitted).
27. The object of I.C. § 6-1.1-12-44(a), in conjunction with I.C. § 6-1.1-12-37(e), is to certify the identity of the person seeking the standard homestead deduction, the property to which it should be applied, and the grounds for claiming it. The identifying numbers are necessary to confirm eligibility, but not necessarily to constitute an application. Vickers met these objectives.
28. We see no reason to believe the Legislature intended to exclude the sales disclosure form statute from the common law principles of substantial compliance simply because it used the words "accurate and complete." The Legislature did not include within I.C. § 6-1.1-12-44 any express reference to the identifying numbers, let alone a clause voiding the application as a consequence for that specific omission. Likewise, there is no reciprocal "accurate and complete" requirement under the homestead application statute I.C. § 6-1.1-12-37(e). The sales disclosure form statute was clearly intended to make it easier for homebuyers to claim the standard homestead deduction by obviating the need for an additional form. Absent express language to the contrary, we will not construe the sales disclosure statute to create a stricter burden than the homestead application statute. Rather, a homeowner who substantially complies with the statute should not forfeit the right to the standard homestead deduction.
29. We acknowledge that the omission of identifying numbers is not a de minimis type of error like an omitted zip code or transposed identifying numbers. However, based on the standard for substantial compliance announced in *Ingration, Inc. v. Marion Cty. Assessor*, 184 N.E.3d 731 (Ind. Tax Ct. 2022), omissions are not necessarily inconsistent with complete disclosure. Once again, we note that the question here is whether the omission voids the sales disclosure form as *an application*, and we reaffirm that an owner


is not entitled to a standard homestead deduction *until the identifying numbers have been disclosed* and the auditor concludes the owner is otherwise eligible.

30. Having determined that the sales disclosure form was sufficient to claim the standard homestead deduction, we turn to Vickers's eligibility. Matters before the Board are de novo. Vickers timely applied for the standard homestead deduction. Once he learned it was denied, he timely appealed. The Assessor does not argue that Vickers has refused to disclose his identifying numbers or that he is otherwise ineligible. The issue not being in dispute, we hold Vickers is entitled to the standard homestead deduction.

### Final Determination

In accordance with these findings and conclusions, we find that Vickers is entitled to the standard homestead deduction for the 2022 assessment year, as well as the accompanying supplemental deduction and 1% tax-cap credit.

ISSUED: October 2, 2024

  
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>.