

REPRESENTATIVE FOR PETITIONER: Wesley Ward, *pro se*

REPRESENTATIVE FOR RESPONDENT: Melissa Woolard, Spencer County Assessor

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**BEFORE THE  
INDIANA BOARD OF TAX REVIEW**

WESLEY WARD,	)	Petition No.: 74-006-24-1-5-00916-24
	)	
Petitioner,	)	
	)	Parcel No.: 74-12-13-100-018.000-006
v.	)	
	)	
SPENCER COUNTY ASSESSOR,	)	County: Spencer
	)	
Respondent.	)	Assessment Year: 2024

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**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. In this assessment appeal, we find that an appraisal report offered by the Spencer County Assessor is the most persuasive evidence of the true tax value for the property under appeal. We therefore order the assessment to be increased to the amount reflected in the appraisal.

**Procedural History**

2. Wesley Ward filed a Form 130 petition contesting the 2024 assessment of his property located at 7505 North County Road 450 West in Richland.

3. On September 9, 2024, the Spencer County property Tax Assessment Board of Appeals (“PTABOA”) issued a decision sustaining the assessment, which is \$181,100 (\$10,400 for land and \$170,700 for improvements). Ward disagreed, and on October 16, 2024, he filed a Form 131 petition with us.
4. On February 27, 2025, our designated administrative law judge, Joseph Stanford (“ALJ”), held a telephonic hearing on Ward’s petition. Neither he nor the Board inspected the parcels. Ward and Austin Budell, an appraisal supervisor for Tyler Technologies, testified under oath.
5. Ward submitted the following exhibits:

Petitioner Exhibit 1A:	Indiana market average home price from Zillow,
Petitioner Exhibit 1B:	First page of 2023 subject property record card (“PRC”),
Petitioner Exhibit 2:	Second page of 2023 PRC,
Petitioner Exhibit 3A:	Winkler 2023 PRC,
Petitioner Exhibit 3B:	Roush 2023 PRC,
Petitioner Exhibit 3C:	Akers 2023 PRC,
Petitioner Exhibit 3D:	Ziliak 2023 PRC,
Petitioner Exhibit 4A:	Hagedorn 2023 PRC,
Petitioner Exhibit 4B:	Ficker 2023 PRC,
Petitioner Exhibit 4C:	Mitchell 2023 PRC
Petitioner Exhibit 5:	J.D. Power Used Manufactured Home Value Report.
6. The Assessor submitted the following exhibits:

Respondent Exhibit 1:	Subject PRC,
Respondent Exhibit 2:	Appraisal prepared by Kyle A. Shelton, MAI, SRA.
7. The record also includes the following: (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 and its Assessment**

8. The subject property is a 1.25-acre parcel containing a 20-year-old, 2,280-square-foot manufactured home. The home's foundation is on piers, and it has a crawl space. The property also contains a detached garage, a utility shed, an above-ground pool, and a wood deck. *Ward and Budell testimony; Resp't Exs. 1-3.*
9. The property was assessed for \$132,200 in 2023, and the assessment increased 37% to \$181,100 in 2024. *Ward testimony; Resp't Ex. 1.*
10. The 2024 assessment includes a 162% market-factor adjustment to the home. The assessments of some other homes were also adjusted using the same market factor, while the Assessor applied much lower factors to other homes. Some homes that are around the same size or larger than the subject home or that are newer than it are assessed for less. *Ward testimony; Pet'r Exs. 2, 3c, 4a-4d.*

### **B. Shelton's Appraisal**

11. The Assessor hired Kyle A. Shelton, a licensed appraiser with MAI and SRA designations, to appraise the subject property. Shelton prepared an appraisal report estimating the property's value at \$185,000 as of January 1, 2024. He based his report and valuation opinion on "a physical analysis of the site and improvements, a locational analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject." He also certified that he prepared his report in accordance with the Uniform Standards of Professional Appraisal Practice ("USPAP"). *Budell testimony; Resp't Ex. 2.*
12. Shelton developed only one of the three valuation approaches—the sales-comparison approach. Due to the home's age and the amount of accrued depreciation, he did not

believe the cost approach applied. And he found there was insufficient market data to apply the income approach. *Budell testimony; Resp't Ex. 2.*

13. For his sales-comparison analysis, Shelton found three properties from Richland that he believed were comparable to the subject property. They were all located between five and eight miles from the subject property. They sold in 2023 for prices ranging from \$170,000 to \$205,000. *Budell testimony; Resp't Ex. 2.*
14. Shelton considered adjusting the sale prices to account for transactional differences between the posited sale of the subject property and the sales of the three comparable properties, including adjustments for seller concessions in each sale. He also considered adjusting the sale prices to account for various property-related characteristics. He made several such adjustments, including adjustments for differences in gross living area, land size, and amenities. Shelton's adjusted sale prices ranged from \$169,900 to \$194,450, which he reconciled to a value of \$185,000 for the subject property. *Budell testimony; Resp't Ex. 2.*

### **C. J.D. Power Report**

15. Ward offered a J.D. Power Used Manufactured Home Value Report, which, in his view, indicates that the "blue book" value of the subject home is \$54,303.45. He generated that report through J.D. Power's automated valuation tool, where he entered data concerning his home, including things like the home's dimension, the year it was manufactured, and the manufacturer. He used a condition rating of "fair," although the property record card listed it as average. He also entered data regarding various other features. The report indicates that it is not an appraisal form. It also indicates that it represents the depreciated cost of the home in retail dollars without any adjustments for "land, community 'in place location value' or local market comparable sales." *Ward testimony; Pet'r Ex. 5.*

16. Ward also offered an undated printout from Zillow, which indicates, among other things, that the average sale price for Indiana homes increased by 6.5% over the past year. He also looked at Zillow to determine the annual increases going back to 2017, which totaled 34.5%. By contrast, according to Ward's calculations, his home's assessment had increased 68.47% during that same period. And it increased by 37% between 2023 and 2024 alone. *Ward testimony and argument; Pet'r Exs. 1A, 1B.*

### **Parties' Contentions**

#### **A. Ward's Contentions**

17. Ward believes the 162% market adjustment factor applied to his manufactured home is excessive, especially given that his home is older than other properties with that factor, while comparable properties have a lower factor. He similarly argues that his home is assessed higher than newer homes and homes of comparable or greater size. Ward also argues that his assessment increased at a greater rate than property values appreciated generally, as shown by Zillow. *Ward argument.*
18. As for Shelton's appraisal, Ward thought that the only issue was the value of his home, not the value for the land and other improvements. And he believes that the report he generated from J.D. Power is the best indicator of the home's value. *Ward argument.*

#### **B. The Assessor's Contentions**

19. The Assessor argues that Shelton's appraisal report is the most reliable indicator of the subject property's true tax value as of January 1, 2024, and therefore asks that we increase the assessment to \$185,000. *Assessor argument; Resp't Ex. 2.*

## Conclusions of Law and Analysis

### **A. The Assessor had the burden of proving the property's true tax value.**

20. Generally, a taxpayer has the burden of proof when challenging a property's 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." I.C. § 6-1.1-15-20(a) (effective March 21, 2022).
21. 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).
22. The subject property's assessment increased by 37% between 2023 and 2024, and the parties agreed that the Assessor has the burden of proof.

### **B. The totality of the evidence shows that the property's true tax value is \$185,000, as estimated in Shelton's USPAP-compliant appraisal.**

23. 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).

24. 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.
25. 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.
26. For most real property types, 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). 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).

27. There are special rules for valuing dwellings that fall within the statutory and administrative definitions of a mobile home, which include manufactured homes. *See* I.C. § 6-1.1-7-1(b); I.C. § 6-1.1-7-2; I.C. § 6-1.1-31-7(b)(6); I.C. § 9-13-2-96; 50 IAC 3.3-2-3. And those rules depend on whether the home qualifies as a “real property mobile home” or is instead an “annually assessed mobile home.” 50 IAC 3.3-2-2; 50 IAC 3.3-2-4; 50 IAC 3.3-3-1. For purposes of this appeal, the primary distinction between the two is that a real property mobile home is attached to a permanent foundation, which is “any structural system capable of transposing loads from a structure to the earth at a depth below the established frost line.” 50 IAC 3.3-2-2; 50 IAC 3.3-2-3.5; 50 IAC 3.3-2-4.
28. Real property mobile homes are assessed under the DLGF’s assessment manual and guidelines. 50 IAC 3.3-3-1(b). The types of evidence required to prove true tax value therefore are the same as those that generally apply in real property appeals. By contrast, the true tax value of annually assessed mobile homes, as well as the true tax value of all exterior features, yard structures, and improvements owned by the same owner, is the least of the values determined using the following:
- (1) the National Automobile Dealers Association Guide;
  - (2) the purchase price of the mobile home if the:
    - (A) sale is of a commercial enterprise nature;
    - (B) buyer and seller are not related by blood or marriage; and
    - (C) sale date is within one (1) year prior to or subsequent to the January 1 valuation date; or
  - (3) sales data for generally comparable mobile homes.
- 50 IAC 3.3-5-1(b); *see also*, I.C. § 6-1.1-31-7(b)(6); 50 IAC 3.3-3-1(d).
29. Both parties referred to the subject home as a manufactured home, although neither party offered evidence addressing all the specific definitional elements for that classification. In any case, the deciding factor is whether the home is attached to a permanent foundation. If it is (or if the home is not a manufactured or mobile home at all), the general standards for proving the subject property’s true tax value apply. If not, the relevant valuation evidence for the home and other improvements is circumscribed.

30. We find that the home is attached to a permanent foundation. The foundation is a pier system rather than a slab, which we infer is designed to transpose loads below the frost line. Thus, even if the home is a mobile home for purposes of the DLGF's rules, it is a real property mobile home, and we consider the evidence under the general standards for proving the true tax value of real property.
31. Under those standards, the Assessor offered Shelton's USPAP-compliant appraisal, which we find sufficiently probative to establish the property's true tax value. Shelton based his valuation opinion on relevant market data, and he applied a generally accepted valuation approach. Ward did nothing to impeach Shelton's opinion.
32. We are more persuaded by Shelton's appraisal than by any of Ward's own valuation evidence. While Ward pointed out that a handful of homes were assessed for less than the subject property, that disparity, by itself, is not probative of the property's value. Beyond pointing out that the other homes were older or larger than the subject home, Ward did not meaningfully compare the homes or explain how relevant differences affected their values. *See Long v. Wayne Twp. Ass'r*, 821 N.E.2d 466, 470-71 (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).
33. Ward's reliance on the fact that the subject home's assessment increased at a rate greater than the rate at which sale prices for residential property throughout the State appreciated during the same period similarly lacks probative weight. Ward did nothing to show the rate of appreciation for the subject home's specific market. More importantly, the question is not whether Ward's assessment was adjusted appropriately from year-to-year, but whether the assessment under appeal reflects the home's market value-in-use.

34. Ward's reliance on the fact that the Assessor applied a different market factor in adjusting the assessment of some homes than she applied to the subject home also lacks probative value. At best, the difference in adjustment factors merely addresses the Assessor's methodology in determining the challenged assessment; it is not objective market-based evidence of value.
35. That leaves us with the report that Ward generated through J.D. Power's interactive tool. We find that the report, which appears to produce a value based on the depreciated cost of the subject home, is at least relevant to the home's true tax value. But we find it far less persuasive than Shelton's valuation opinion.
36. First, unlike Ward, who did not purport to have any particular expertise in property valuation, Shelton is a qualified appraisal expert. That matters, because valuation is not a formulaic process, it requires the exercise of judgment. Indeed, the J.D. Power report is based partly on Ward's subjective judgment about things like the home's condition, and Ward offered nothing to support his decision to use a rating of "fair." On the contrary, Ward claimed that he used information from the property record card. But the property record card lists the home's condition as average.
37. Second, the home was built in 2004, and we credit Shelton's opinion that the home's age and accrued depreciation made the cost approach less reliable than the sales-comparison approach.
38. Finally, unlike Ward, Shelton estimated the value of the property as a whole, not just the subject home. We are ultimately concerned with the property's value as a whole rather than the contributory values of its individual components.

**C. Ward did not make a case for relief based on a lack of uniformity and equality in assessments.**

39. Ward's arguments about how other properties were assessed in comparison to the subject property may also be viewed as a claim that assessments were not uniform and equal. To the extent Ward makes such a claim, however, he had the burden of proof regardless of the fact that the assessment increased by more than 5% between years. *See Thorsness v. Porter Cty. Ass'r*, 3 N.E.3d 49, 52 (Ind. Tax Ct. 2014) (holding that predecessor to Ind. Code § 6-1.1-15-20 did not apply to claims alleging a lack of uniformity and equality in assessments)
40. A claim for relief based on a lack of uniformity and equality in assessments necessarily hinges on the standards for valuing property under our State's assessment system. Before the switch to our current system, true tax value was determined under the State Board of Tax Commissioners' assessment regulations and bore no relation to any external, objectively verifiable measurement standard. *Westfield Golf Practice Ctr., LLC v. Washington Twp. Ass'r*, 859 N.E.2d 396, 398 (Ind. Tax Ct. 2007). That changed under the new system, which incorporates market value-in-use as its external, objectively verifiable benchmark. The focus shifted from examining how assessment regulations were applied to examining whether a property's assessed value actually reflects that external benchmark. *Id.* at 399. Thus, "the end result—a 'uniform and equal rate' of assessment—is required, but there is no requirement of uniform procedures to arrive at that rate." *Id.* (quoting *State ex. rel. Att'y Gen. v. Lake Superior Ct.*, 820 N.E.2d 1240, 1250 (Ind. 2005) (emphasis in original)).
41. In *Westfield Golf*, the Tax Court explained that one method for proving a lack of uniformity and equality is to present ratio studies, comparing the assessments of properties within an assessing jurisdiction with objectively verifiable data, such as sale prices or market value-in-use appraisals. *Id.* at 399 n. 3. The taxpayer lost its uniformity-and-equality claim because it focused solely on the base rate used to assess its driving-

range's landing area compared to the rates used to assess other driving ranges, without showing the actual market value-in-use for any of the properties. *Id* at 399.

42. Similar to the taxpayer's approach in *Westfield Golf*, Ward focused solely on comparing how the subject home and a handful of other homes from the area were assessed, without offering any market-based evidence to show the value of those other homes. He therefore failed to show he was entitled to relief based on a lack of uniformity and equality in assessments.

### Conclusion

43. The totality of the evidence shows that the subject property's true tax value was \$185,000 as of January 1, 2024. We therefore order that the assessment be increased to that amount.

Date: MAY 22, 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>.