

INDIANA BOARD OF TAX REVIEW

Final Determination Findings and Conclusions Lake County

Petition #: 45-026-02-1-5-00188
Petitioner: James A. Gammon Charitable Fund, Inc.
Respondent: The Department of Local Government Finance
Parcel #: 007-26-34-0201-0009
Assessment Year: 2002

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

Procedural History

1. The Department of Local Government Finance (the DLGF) determined that the Petitioner's property tax assessment for the subject property was \$133,800 and notified the Petitioner on March 31, 2004.
2. The Petitioner filed a Form 139L on May 3, 2004.
3. The Board issued a notice of hearing to the parties dated April 18, 2005.
4. Special Master Kathy J. Clark held a hearing on May 18, 2005, in Crown Point, Indiana.

Facts

5. The subject property is located at 7118 Calumet Avenue, Hammond, in North Township.
6. The subject property consists of a one story brick and frame commercial office building.
7. The Special Master did not conduct an on-site visit of the property.
8. The DLGF determined the assessed value of the subject property to be \$44,400 for the land and \$89,400 for the improvements for a total assessed value of \$133,800.
9. The Petitioner requested a total assessed value of \$74,242.
10. Shawn Lazarian, tax representative for the Petitioner, and James Hemming, representing the DLGF appeared at the hearing and were sworn as witnesses.

Issues

11. Summary of Petitioner's contentions in support of an error in the assessment:
 - a. Mr. Lazarian testified that he entered into a land contract purchase agreement for the subject property on January 8, 1993.¹ *Petitioner Exhibit 5-13; Lazarian testimony.* According to the Petitioner, he purchased the property for \$72,000. The Petitioner contends that the sale was an arms-length transaction. *Lazarian testimony.*
 - b. To determine market value of the property, the Petitioner contends that the land contract sale price of \$72,000 should be discounted by 7%, which the Petitioner contends represents the fact that land contracts always favor the seller. After this "discounting," the Petitioner arrived at an adjusted 1993 sale price of \$66,960. The Petitioner then alleged that an annual market adjustment of between 3% and 4% would bring the \$66,960 to a 1999 time adjusted value of \$82,311. The Petitioner then deducted the \$5,600 that he spent to replace four furnace units in 2000 - 2002 and \$11,000 for roof and gutter repairs and \$1,450 in air conditioning repairs that were needed in 1999 and done in 2002. *Petitioner Exhibits 2 and 3.* After these "deductions," the Petitioner arrived at a value of \$64,261 for the subject property which Petitioner alleges is the "true market value" of the property as of January 1, 1999. *Petitioner Exhibit 5; Lazarian testimony.*
 - c. The Petitioner also contends that neither the land nor the building was assessed in a fair and equitable manner. According to the Petitioner, because of unexplained land influence factors that were applied to surrounding properties, which vary from 29% to 45%, land next to, or in close proximity to, the subject have square foot values ranging from \$4.75 to \$11.13. The Petitioner testified that, using the average of the surrounding properties' per square foot prices which is \$7.22, the subject's land value would be \$43,728. The Petitioner contends that while this approach seems to show that the subject's land assessment is fairly accurate, it still seems that land influences were unequally and arbitrarily assigned to different properties and no explanation was provided or noted on the property record cards. *Petitioner Exhibit 5; Lazarian testimony.*
 - e. The Petitioner further contends that considering square foot costs based on use is irrelevant in determining a building's assessed value. As an example, the Petitioner cited the funeral home located across the street from the subject. The Petitioner contends that the funeral home is valued with a much lower cost per square foot than the subject but could just as easily be used as an office building. *Petitioner Exhibit 5-4.* Similarly, the Petitioner alleged that the buildings located on the surrounding properties have square foot values ranging from \$8.75 to \$17.75 while the subject is

¹ An installment contract to purchase land vests in the purchaser equitable title, even though legal title is left with the seller for the purpose of securing the debt. *Stark et al. v. Kreyling*, 188 N.E. 680, 682 (Ind. 1934). For purpose of taxation the owner of the land is the holder of equitable title. *Id.* at 683. Thus, the Petitioner is the proper party to bring this appeal.

assessed using a \$57 per square foot price. The Petitioner contends that using the surrounding buildings' average per square foot price of \$11.33 would result in a true tax value of \$39,496 for the building. The Petitioner testified that this value, combined with the averaged land value of \$43,728, results in value of \$84,223 for the subject property. *Petitioner Exhibit 5; Lazarian testimony.*

- f. According to the Petitioner, averaging the \$64,261 time adjusted market value and the comparable cost value of \$84,223 results in a true tax value of \$74,242. Petitioner contends that this is the correct assessment for the subject property. *Petitioner Exhibit 5; Lazarian testimony.*
- g. The Petitioner also alleges that the property is in need of repairs. According to the Petitioners, besides the \$18,050 in completed repairs, the subject property also suffers from limited off-street parking, needs repairs to the window ledges and window glass, needs an estimated \$7,000 worth of repair work to the foundation and block walls and an estimated \$3,000 to repave the parking lot. *Petitioner Exhibits 5 and 5-12; Lazarian testimony.*
- h. Petitioner further alleges that the structure on the subject property is incorrectly identified as being constructed in 1960. The Petitioner contends that according to an environmental study performed while the Petitioner was negotiating the 1993 land contract, the building existed in 1938. The study notes that "the records at the Lake County Assessor's office were researched as far back as 1938 to find that Ms. Marie Wagner of 4411 Indianapolis Blvd., East Chicago, IN, always owned the property being assessed." In response to questioning, however, the Petitioner testified that he did not know if the construction date was 1938 or 1960. *Petitioner Exhibit 5-1-2/2; Lazarian testimony.*
- i. Finally, the Petitioner argues that the square footage of the structure is identified as different from the previous property record card. *Petitioner Exhibit 5-1; Lazarian testimony.* According to the Petitioner, no changes in the structure have occurred that would increase or change the size of the building. *Id.*

12. Summary of Respondent's contentions:

- a. The land influence factors listed on several of the property record cards presented by the Petitioner are adjustments used to compensate for a property being comprised of multiple parcels. Following the methodology of incremental and decremental land pricing, which adheres to the principal that land parcels smaller than the standard lot size within a neighborhood would sell for more per square foot and that parcels larger than the standard would sell for less per square foot, the various Code 0 percentages are compensating property owners with two or three parcels that support a building so that the owner will be have a land assessment no greater than someone with that same amount of land existing as a single parcel. The factors identified by Petitioner are, in fact, an equalization factor used to ensure fair commercial and industrial land

assessment throughout Lake County. *Respondent Exhibits 3 and 4; Hemming testimony.*

- b. The subject building was assessed using the methods described in the REAL PROPERTY ASSESSMENT GUIDELINES FOR 2002 -VERSION A. It was assessed as a commercial office building. *Respondent Exhibit 2.* The buildings listed on Petitioner Exhibits 5-4 thru 5-12 vary greatly from the subject in the areas of use, size and age, all of which affect the final assessed value. A building designed and used as a funeral home has a different cost per square foot than a retail store or a commercial office building. Further, age has a great effect on physical depreciation as does the condition of the building. *Id.; Hemming testimony.*
- c. Finally, the Respondent testified that an error occurred in the assessment of the subject property. According to the Petitioner, because the building is a wood frame structure it should have been priced using the General Commercial Residential (GCR) pricing schedule, not the General Commercial Mercantile pricing schedule. *See GUIDELINES, App. G at 9.* Correcting this pricing error, the Respondent testified, would result in a new building assessment of \$74,400 and the total assessment would change from \$133,800 to \$119,800. *Respondent Exhibit 6; Hemming testimony.*

Record

- 13. The official record for this matter is made up of the following:
 - a. The Petition,
 - b. The tape recording of the hearing labeled Lake County 1595,
 - c. Exhibits:

- Petitioner Exhibit 1: Form 139L Petition,
 - Petitioner Exhibit 2: Power of Attorney,
 - Petitioner Exhibit 3: Notice of Final Assessment,
 - Petitioner Exhibit 4: Summary of Petitioner's arguments,
 - Petitioner Exhibit 5: Outline of Evidence,
 - Petitioner Exhibit 5-1: Back of 2002 property record card (PRC) and back of the 1989 PRC,
 - Petitioner Exhibit 5-1-2: Phase 1 Environmental Assessment,
 - Petitioner Exhibit 5-2: Roofing contract,
 - Petitioner Exhibit 5-3: Receipt for HVAC repair,
 - Petitioner Exhibit 5-4: PRC and photographs of 7109 Calumet Avenue,
 - Petitioner Exhibit 5-5: PRC and photographs of 7021 Calumet Avenue,
 - Petitioner Exhibit 5-6: PRC and photograph of 7109 Calumet Avenue,
 - Petitioner Exhibit 5-7: PRC and photographs of 7112 Calumet Avenue,
 - Petitioner Exhibit 5-8: PTC and photographs of 7113 Calumet Avenue,
 - Petitioner Exhibit 5-9: PRC and photographs of 7122 Calumet Avenue,

Petitioner Exhibit 5-10: PRC for 7114 Calumet Avenue, PRC and photographs for the subject property, 7118 Calumet Avenue,
Petitioner Exhibit 5-11: PRC for 7131 Calumet Avenue,
Petitioner Exhibit 5-12: PRC and photographs for the subject property, 7118 Calumet Avenue,
Petitioner Exhibit 5-13: Contract for Conditional Sale of Real Estate, Closing Arrangements and Quitclaim Deed,

Respondent Exhibit 1: Subject PRC,
Respondent Exhibit 2: Subject photograph,
Respondent Exhibit 3: Incremental/Decremental land sheet,
Respondent Exhibit 4: Commercial & Industrial neighborhood valuation,
Respondent Exhibit 5: Plat map page,
Respondent Exhibit 6: Revised PRC for the subject,

Board Exhibit A: Form 139L,
Board Exhibit B: Notice of Hearing,
Board Exhibit C: Hearing Sign-in sheet,

- d. These Findings and Conclusions.

Analysis

14. The most applicable governing cases are:
- a. A Petitioner seeking review of a determination of an assessing official has the burden to establish a prima facie case proving that the current assessment is incorrect, and specifically what the correct assessment would be. *See Meridian Towers East & West v. Washington Twp. Assessor*, 805 N.E.2d 475, 478 (Ind. Tax Ct. 2003); *see also, Clark v. State Bd. of Tax Comm'rs*, 694 N.E.2d 1230 (Ind. Tax Ct. 1998).
 - b. In making its case, the taxpayer must explain how each piece of evidence is relevant to the requested assessment. *See Indianapolis Racquet Club, Inc. v. Washington Twp. Assessor*, 802 N.E.2d 1018, 1022 (Ind. Tax Ct. 2004) (“[I]t is the taxpayer's duty to walk the Indiana Board . . . through every element of the analysis”).
 - c. Once the Petitioner establishes a prima facie case, the burden shifts to the assessing official to rebut the Petitioner’s evidence. *See American United Life Ins. Co. v. Maley*, 803 N.E.2d 276 (Ind. Tax Ct. 2004). The assessing official must offer evidence that impeaches or rebuts the Petitioner’s evidence. *Id.*; *Meridian Towers*, 805 N.E.2d at 479.

Issues

Age

15. The Petitioner failed to provide sufficient evidence to establish a prima facie case that the structure's age was improperly recorded. This conclusion was arrived at because:
- a. The Petitioner alleged that the structure on the property was constructed in 1938 and, therefore, that an error in assessment occurred. According to the Petitioner, the property should have received a larger depreciation deduction than it did. In support of this allegation, the Petitioner submitted an excerpt of a limited environmental study from June of 1992. *Petitioner Exhibit 5-1-2 at 2*. Petitioner quotes the report as stating that "the records at the Lake County Assessor's office were researched as far back as 1938 to find that Ms. Marie Wagner ... always owned the property being assessed." However, Petitioner's excerpt further notes that Mr. and Mrs. Gaskey purchased the property in 1959 and the property changed hands again in 1972. Nowhere in the excerpt does it indicate when the building was constructed on the property. Nor does Ms. Wagner's ownership as of 1938 evidence that the building was constructed at that time. According to Petitioner's limited evidence, it is just as likely that the structure was constructed after the purchase of the property in 1959 by the Gaskeys.
 - b. Upon questioning, the Petitioner testified that he did not know when the building was actually constructed and, therefore, did not know if the date was 1938 or 1960. Thus, the Board finds the Petitioner's claim to be unsupported by probative evidence and therefore conclusory in nature. Mere allegations, unsupported by factual evidence, will not be considered sufficient to establish an alleged error. *Whitley Products, Inc. v. State Bd. Of Tax Comm'rs*, 704 N.E.2d 1113 (Ind. Tax 1998).²
 - c. Where the Petitioner has not supported his claim with probative evidence, the Respondent's duty to support the assessment with substantial evidence is not triggered. *Lacy Diversified Indus. v. Dep't of Local Gov't Fin.*, 799 N.E.2d 1215, 1221-1222 (Ind. Tax Ct. 2003).

² The Petitioner also contends that the current square footage is different from a prior assessment where the structure was measured at 3,086 square feet. *Petitioner Exhibit 5*. The Petitioner is mistaken in his reliance on the prior assessment. Each assessment and each tax year stand alone. *Fleet Supply, Inc. v. State Bd. of Tax Comm'rs*, 747 N.E.2d 645, 650 (Ind. Tax Ct. 2001) (citing *Glass Wholesalers, Inc. v. State Bd. of Tax Comm'rs*, 568 N.E.2d 1116, 1124 (Ind. Tax Ct. 1991)). Thus, evidence as to a property's assessment in one tax year is not probative of its true tax value in a different tax year. *Id.* To raise a prima facie case of error in his assessment here, the Petitioner must have presented probative evidence that the structure's area determined in the present assessment is in error and also submitted probative evidence of the correct area of the structure on the subject property. See *Meridian Towers East & West v. Washington Twp. Assessor*, 805 N.E.2d 475, 478 (Ind. Tax Ct. 2003); see also, *Clark v. State Bd. of Tax Comm'rs*, 694 N.E.2d 1230 (Ind. Tax Ct. 1998). Here he did neither. Petitioner did not allege the present assessment was in error. Nor did he testify as to what the proper area of the structure should be. He merely alleged that the present assessment is "different" than the prior assessment. This is insufficient to raise a prima facie case.

Influence Factors

17. The Petitioner failed to provide sufficient evidence to establish a prima facie case that influence factors were not uniformly applied. This conclusion was arrived at because:
- a. The Petitioner contends that influence factors were applied to certain properties but the subject property received no such deduction. *Lazarian testimony; Petitioner Exhibit 5*. According to the Petitioner, this results in an inequitable assessment. *Id.*
 - b. Generally, land values in a given neighborhood are determined through the application of a Land Order that was developed by collecting and analyzing comparable sales data for the neighborhood and surrounding areas. *See Talesnick v. State Bd. of Tax Comm'rs*, 693 N.E.2d 657, 659 n. 5 (Ind. Tax Ct. 1998). However, properties often possess peculiar attributes that do not allow them to be lumped with each of the surrounding properties for purposes of valuation. The term "influence factor" refers to a multiplier "that is applied to the value of land to account for characteristics of a particular parcel of land that are peculiar to that parcel." PROPERTY ASSESSMENT GUIDELINES OF 2002, glossary at 10. Petitioner has the burden to produce "probative evidence that would support an application of a negative influence factor and a quantification of that influence factor." *See Talesnick v. State Bd. of Tax Comm'rs.*, 756 N.E.2d 1104, 1108 (Ind. Tax Ct. 2001).
 - c. Here, the Petitioner made no effort to show that a negative influence factor should apply to his property. Petitioner merely alleges that other properties received negative influence factors and his property did not. By definition, however, influence factors are individual to a property to account for particular attributes that set each property apart from others in the neighborhood. The Petitioner did not prove that his property is entitled to a negative influence factor. Simply showing that other properties received a negative influence factor is not sufficient to raise a prima facie case that an error has been made. *See Talesnick*, 756 N.E.2d at 1108.
 - d. Because the Petitioner did not meet his burden of presenting a prima facie case, the Assessor's duty to rebut Petitioner's evidence was not triggered. *See Clark v. State Bd. of Tax Comm'rs*, 694 N.E.2d 1230, 1233 (Ind. Tax Ct. 1998) (stating that once a taxpayer presents a prima facie case, it must be rebutted with substantial evidence).³

³ Despite the fact that Respondent need not rebut Petitioner's evidence here, the Board notes that the Respondent explained the application of incremental and decremental land pricing that is used for commercial/industrial land in Lake County and the methodology used for multiple parcels. *Hemming testimony*. According to the Respondent, using the multiple-parcel pricing concept, multiple, contiguous parcels under the same ownership and part of the same business are treated as if they were one parcel and the values prorated back to the individual parcels. *Id.* The Respondent testified that a discount for multiple parcel assessments was likely applied to the "comparable" properties that the Petitioner alleged were assessed differently than his parcel was assessed. *Id.*

Comparable Assessments

19. The Petitioner failed to provide sufficient evidence to establish a prima facie case that the subject property is over-assessed based on “comparable” property assessments. This conclusion was arrived at because:
- a. The Petitioner contends that the subject property is over-assessed when compared to other properties in the area. As an example, the Petitioner alleged that a funeral home across the street that is larger and in better condition is assessed with a true tax value of \$74,500 which is lower than the assessment of the structure on the subject property. *Lazarian testimony; Petitioner Exhibit 5*. The Petitioner further offered a comparison of various properties based on their assessed values and determined an “average true tax value per square foot.” Using this method, according to the Petitioner, the subject improvements, including the asphalt, should be assessed at \$39,496. *Id.*
 - a) Indiana Code § 6-1.1-2-2 requires uniform and equal assessments. Thus to the extent that the Petitioner can prove that his property is not assessed uniformly or equal to comparable properties, Petitioner’s assessment should be equalized. However, “taxpayers are required to make a detailed factual showing at the administrative level.” *Home Federal Savings Bank v. Madison Twp. Assessor*, 817 N.E.2d 332 (Ind. Tax Ct. 2004). To meet this showing, “the taxpayer must not only present probative evidence in support of its argument, but it must also sufficiently explain that evidence.” *Id.*
 - b) To introduce evidence of comparable properties, a taxpayer must explain *how* the properties are comparable. *See Blackbird Farms Apts. v. Dep’t of Local Gov’t Fin.*, 765 N.E.2d 711, 715 (Ind. Tax Ct. 2002) (holding that the taxpayer did not present a prima facie case where it provided assessment information for allegedly comparable properties but failed to explain *how* the properties were comparable). Conclusory statements that a property is “similar” or “comparable” to another property do not constitute probative evidence of the comparability of the two properties. *See Long v. Wayne Twp. Assessor*, 821 N.E.2d 466, 470 (Ind. Tax Ct. 2005). Instead, the proponent must identify the characteristics of the subject property and explain how those characteristics compare to the characteristics of the purportedly comparable properties. *Id.* at 471. The proponent likewise must explain how any differences between the properties affect their relative market values-in-use. *Id.* *See also, Hoogenboom-Nofziger*, 715 N.E.2d at 1024 (holding that taxpayer failed to make prima facie case when he offered conclusory statements and photographs without further explanation); *Lacy Diversified Industries, Ltd. v. Dep’t of Local Gov’t Fin.*, 799 N.E.2d 1215, 1220 (Ind. Tax Ct. 2003) (holding that taxpayer failed to make prima facie case when he offered conclusory statements, property record cards, and photographs without further explanation).
 - c) In the case at bar, the Petitioner did not meet this burden. While the Petitioner identified six neighboring properties that he alleges are assessed differently, the

Petitioner did not make any attempt to explain why or how the properties are comparable to the subject property. The Petitioner simply divided the true tax value of the improvements by the square foot area and used the results to arrive at an average square foot value. This falls short of the type of analysis required to establish comparability under *Long*. The Petitioner has only made a “de minimis factual showing” and have failed to “sufficiently link [his] evidence to the uniform and equal argument [he] raise[s].” *See Home Federal Savings Bank v. Madison Twp. Assessor*, 817 N.E.2d 332 (Ind. Tax Ct. 2004).

- d) Because Petitioners did not meet their burden of presenting a prima facie case, the Assessor's duty to rebut Petitioners' evidence was not triggered. *See Clark v. State Bd. of Tax Comm'rs*, 694 N.E.2d 1230, 1233 (Ind. Tax Ct. 1998) (stating that once a taxpayer presents a prima facie case, it must be rebutted with substantial evidence).⁴

Sale of Subject Property

20. The Petitioner provided sufficient evidence to establish a prima facie case that the subject property is over-valued based upon its purchase price. This conclusion was arrived at because:
- a. The Petitioner offered as Exhibit 5-13 a four page document to support the land contract purchase of the subject property for the sum of \$72,000 executed January 8, 1993. The Petitioner testified that he did not know the Seller when the contract was negotiated and that the sale represents an arms'-length transaction. *Lazarian testimony*.
 - b. The sale of a subject property is often the most compelling evidence of its market value. However, for the 2002 general reassessment, real estate is to be valued as of January 1, 1999, *see* 2002 REAL PROPERTY ASSESSMENT MANUAL 4 (incorporated by reference at 50 IAC 2.3-1-2). Here, the Petitioner related the 1993 sales price to January 1, 1999 by applying appreciation factors. Using estimated appreciation factors of 3%, 3.5 % and 4% after applying a 7% discount to the sales price for being a contract sale, the Petitioner estimated the property's market value to be between \$79,954 and \$84,726. The sale price, therefore, demonstrates that the current assessment is excessive and the Petitioner has raised a prima facie case that the current assessment is incorrect.
 - c. Once the Petitioner establishes a prima facie case, the burden shifts to the assessing official to rebut the Petitioner's evidence. *See American United Life Ins. Co. v.*

⁴ Despite the fact that Respondent need not rebut Petitioner's evidence here, the Board notes that the Respondent testified that Petitioner's allegedly "comparable" properties were commercial properties with different uses than the Petitioner's property. *Hemming testimony*. As such, these "comparable" properties are assessed using different pricing schedules and methods. Further, several of the properties are older and subject to more depreciation. *Id.* The Respondent noted showing that Petitioner's property should have been assessed according to the GCR schedule as opposed to the GCM schedule that was used in Petitioner's assessment. *Id.*

Maley, 803 N.E.2d 276 (Ind. Tax Ct. 2004). The assessing official must offer evidence that impeaches or rebuts the Petitioner's evidence. *Id.*; *Meridian Towers*, 805 N.E.2d at 479. Here, the Respondent offered no comparable properties or other evidence of the subject property's market value. Respondent further testified that the assessment was incorrect based upon the property's assessment under the GCM schedule as opposed to the GCR schedule. However, even if the Respondent had conducted the assessment in accordance with the Real Property Assessment Guidelines for 2002 – Version A, that fact would not outweigh the Petitioner's evidence concerning the sale price of the subject property. The sale of the subject property constitutes direct evidence of how two market participants valued the specific property being examined. By contrast, the mass appraisal system utilized by the Respondent estimates the market value of a group of properties indirectly "using common data, standardized methods, and statistical testing." MANUAL, at 13. Therefore, the Board finds that the Respondent failed to rebut the Petitioner's evidence.

- d. The Petitioners raised a prima facie case that the property was over-valued. Further, the Respondent failed to rebut Petitioners' evidence that the subject property is assessed in excess of its market value. The Board, therefore, finds that the current assessment is incorrect. The Board, however, does not adopt Petitioners' trending calculations.
- e. The Board first rejects Petitioner's contention that the contract sales price should be discounted by 7% "because everyone knows that land contract prices are higher than others because they favor the Seller." Petitioner's Exhibit 5 further claims that a 7% discount should be given because this was a cash sale. The Board finds both of these statements to be unsupported by any probative evidence and therefore conclusory in nature. Mere allegations, unsupported by factual evidence, will not be considered sufficient to establish an alleged error. *Whitley Products, Inc.*, 704 N.E.2d at 1113.
- f. The Board also rejects the Petitioner's claim that \$18,050 spent from 2000 to 2002 for repairs should be deducted from the \$72,000 sale price. The Petitioner offered no probative evidence that these same repairs were not needed at the time the property was purchased in 1993 and considered in the sale at that time. The Board determines the deduction to be inappropriate to determining a 1999 assessed value.
- g. Lastly, the Petitioner testified that he is a level II appraiser and contended that a 3 to 4% annual market trend adjustment would be appropriate to relate the 1993 purchase price of \$72,000 to the assessment date of 1999. The Respondent did not rebut the Petitioner's adjustment factor or offer any sales data that would impeach the Petitioner's evidence. Without better evidence of the appropriate appreciation rate, the Board chooses Petitioner's 4% appreciation rate. Therefore, applying this annual percentage to the original 1993 contract price of approximately \$72,000, the Board finds that the value of the subject property is \$91,100.

Conclusion

21. The Petitioner established a prima facie case that the property is over-valued. The Respondent failed to rebut this evidence. The Board, therefore, finds in favor of the Petitioner and, based on Petitioner's evidence, holds that the value of the subject property is \$91,100.

Final Determination

In accordance with the above findings and conclusions the Indiana Board of Tax Review now determines that the assessment should be changed.

ISSUED: _____

Commissioner,
Indiana Board of Tax Review

IMPORTANT NOTICE

- APPEAL RIGHTS -

You may petition for judicial review of this final determination pursuant to the provisions of Indiana Code § 6-1.1-15-5. The action shall be taken to the Indiana Tax Court under Indiana Code § 4-21.5-5. To initiate a proceeding for judicial review you must take the action required within forty-five (45) days of the date of this notice. You must name in the petition and in the petition's caption the persons who were parties to any proceeding that led to the agency action under Indiana Tax Court Rule 4(B)(2), Indiana Trial Rule 10(A), and Indiana Code § 4-21.5-5-7(b)(4), § 6-1.1-15-5(b). The Tax Court Rules provide a sample petition for judicial review. The Indiana Tax Court Rules are available on the Internet at <http://www.in.gov/judiciary/rules/tax/index.html>, The Indiana Trial Rules are available on the Internet at <http://www.in.gov/judiciary/rules/trialproc/index.html>. The Indiana Code is available on the Internet at <http://www.in.gov/legislative/ic/code>.