

REPRESENTATIVE FOR PETITIONER:  
Stephen H. Paul, BAKER & DANIELS  
Brent A. Auberry, BAKER & DANIELS

REPRESENTATIVES FOR RESPONDENT:  
Thomas F. Bedsole, LOCKE REYNOLDS LLP  
Jeffrey S. Dible, LOCKE REYNOLDS LLP

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**BEFORE THE  
INDIANA BOARD OF TAX REVIEW**

AMERICAN UNITED LIFE INSURANCE )	Petition Nos.: 49-140-95-1-4-00002R
COMPANY, )	
)	
Petitioner, )	County: Marion
)	
v. )	Township: Center
)	
JAMES P. MALEY, JR., ASSESSOR, )	Parcel Nos.: 1071388
OF CENTER TOWNSHIP, MARION )	
COUNTY, )	Assessment Year: 1995
)	
Respondent. )	
)	

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On Remand from the Indiana Tax Court  
Cause No. 49T10-0210-TA-117

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**REFERAL TO CENTER TOWNSHIP ASSESSOR**

The Indiana Board of Tax Review (Board) having reviewed the decision of the Tax Court in the above matter dated February 13, 2004 (attached and incorporated by reference), and pursuant to Ind. Code § 6-1.1-15-8, refers this matter to the Center Township Assessor to make another assessment consistent with the Tax Court decision, for the reasons contained herein.

## **Facts and Procedural History**

1. American United Life Insurance Company (AUL) owns an entire city block in downtown Indianapolis, on which its 38-floor office building stands. For the 1995 property tax assessment year, the Center Township Assessor (Assessor) assigned AUL's building an "A" grade factor and valued its land at \$75 per square foot. AUL appealed its assessment to the Marion County Board of Review (BOR); while the BOR reduced AUL's grade to "A-1," it denied all other requested relief.
2. AUL then appealed its assessment alleging its grade should be reduced to "A-2;" its land was incorrectly valued under the land order; and, a negative influence factor should be applied to its land. On October 25, 2000, an administrative hearing was held on the matter; on September 5, 2002, the Board issued a final determination in which it denied AUL's requested relief.
3. On October 15, 2002, AUL initiated an original tax appeal. The Tax Court heard oral argument on November 3, 2003. The Tax Court considered the following three issues: (1) Grade; (2) Land Value; and (3) Negative Influence Factor.

## **Discussion of Remanded Issues**

### **GRADE**

4. The Tax Court held that AUL made a prima facie case as to Grade, and the Assessor failed to present evidence to rebut it. Because the Assessor failed to rebut AUL's prima facie case, the Tax Court reversed the decision of the Board upholding the grade of "A-1" and held that AUL was entitled to a grade reduction to "A-2."

## LAND VALUE

5. The Tax Court held that a triangular portion of Square 34 bounded by New York Street to the north and Illinois Street to the east, its hypotenuse being Indiana Avenue should be valued at \$10-\$20 per square foot. The Tax Court held the Assessor misinterpreted the land order and reversed the decision of the Board. The Tax Court ordered the Board to instruct the Assessor to apply both the \$70-\$100 per square foot range and the \$10-\$20 per square foot range as appropriate.

## NEGATIVE INFLUENCE FACTOR

6. The Tax Court affirmed the decision of the Board on the issue of negative influence factor.

Therefore, pursuant to Ind. Code § 6-1.1-15-8, the Board refers this matter to the Center Township Assessor and instructs the Assessor to make another assessment consistent with the Tax Court decision, this \_\_\_ day of \_\_\_\_\_, 2004.

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Commissioner, Indiana Board of Tax Review

## IMPORTANT NOTICE

### - APPEAL RIGHTS ON REMANDED CASE -

You may petition for judicial review of this final determination of corrected assessment pursuant to the provisions of Indiana Code § 6-1.1-15-9. 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.