

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

Petition #: 72-005-02-1-1-00001
Petitioners: Charles and Ada Goode
Respondent: Lexington Township Assessor (Scott County)
Parcel #: 06361000030004
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 Petitioners initiated an assessment appeal with the Scott County Property Tax Assessment Board of Appeals (the "PTABOA") by written document dated June 6, 2003.
2. The PTABOA mailed notice of its decision to the Petitioners on July 28, 2003.
3. The Petitioners filed an appeal to the Board by filing a Form 131 with the county assessor on August 25, 2003. Petitioners elected to have this case heard in small claims.
4. The Board issued a notice of hearing to the parties dated March 8, 2004.
5. The Board held an administrative hearing on April 22, 2004, before the duly appointed Administrative Law Judge (the "ALJ") Jennifer Bippus.
6. Persons present and sworn in at hearing:
 - a) For Petitioners: Charles Goode, Petitioner
Ada Goode, Petitioner
 - b) For Respondent: Richard Schultz, Vienna Township Representative

Facts

7. The property is classified as agricultural, as is shown on the property record card for parcel # 06361000030004.
8. The ALJ did not conduct an inspection of the property.
9. The Respondent submitted witness and evidence lists along with copies of evidence to the Petitioners prior to the hearing. The Petitioners did not submit witness or evidence

lists to the Respondent five days ahead of time. However, the Respondent did not object to any testimony presented by the Petitioners.

10. Assessed Value of subject property as determined by the Jefferson County PTABOA:
Land - \$38,300 Improvements - \$61,700

11. Assessed Value requested by Petitioners: Land - \$30,257 Improvements - \$61,700

Issues

12. Summary of the Petitioners' contentions in support of the alleged error in the assessment:¹

- a) The Petitioners believe their land is assessed too high and that it does not yield as many bushels per acre as their neighbors' properties. The Petitioners contend that their land yields only eighty (80) bushels per acre and their neighbors' land yields one hundred one (101) bushels per acre.
- b) The Petitioners stated that their land is eroding and the no-tillable method of farming is all that can be used on the land.
- c) The Petitioners contended it is up to the County officials to establish that there is a problem with their land and to value it justly. The Petitioners further contended that the County officials should have contacted the United States Department of Agriculture (USDA) and obtained a Farm Record for the neighbors to prove that the Petitioners' farm does not yield as many acres per bushel as their neighbors' properties. The Petitioners contended that, as common taxpayers, they could not obtain these USDA records, but that as a public entity the County officials can obtain such records.

13. Summary of the Respondent's contentions in support of the assessment:

- a) The Respondent presented a copy of the subject property record card indicating all of the farm ground is priced at the State of Indiana agricultural base rate of \$1,050 per acre. The homesite is priced at \$13,000.
- b) The Respondent also provided the USDA Farm Report for the subject property. The Farm Report showed a base acreage for corn of 27.7 acres and the County officials have included only 20.779 tillable acres in the Petitioners' assessment.
- c) The local officials contend that the land is priced according to the State of Indiana guidelines for farm ground and that the base rate per acre is the rate that is used uniformly throughout the State of Indiana.

¹ The Petitioners asserted that they did not want to go through with the hearing as scheduled because the County Assessor was not in attendance at the hearing. The ALJ determined the hearing would proceed because the township had sent a representative and the County Assessor asked that the hearing proceed as scheduled because she had laryngitis and could not participate.

Record

14. The official record for this matter is made up of the following:

- a) The Petition, and all subsequent pre-hearing and post-hearing submissions by either party.
- b) The tape recording of the hearing labeled BTR #5863.
- c) Exhibits:
Petitioners – The Petitioners provided testimony only; there were no documentary exhibits provided.

Respondent Exhibit 1: Letter of Authorization for Richard Schultz.

Respondent Exhibit 2: Letter of Authorization for Teresa Rigsby.

Respondent Exhibit 3: Property record card for the subject property.

Respondent Exhibit 4: Farm Service Agency 156 Farm Record for the subject property.

- d) These Findings and Conclusions.

Analysis

15. The most applicable governing law:

- a) A Petitioner seeking review of a determination of the county Property Tax Assessment Board of Appeals has the burden to establish a prima facie case proving, by a preponderance of the evidence, 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. Wash. 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.
- d) Agricultural land is valued using the soil type identified on the USDA soil map, the measured acreage, the productivity factor corresponding to the land area’s soil map unit, the state-wide established base rate of \$1,050, and an influence factor, if it applies. The final value is the sum of all of the land types calculated using the above information. (*Version A – Real Property Assessment Guideline, Chapter 2, p. 114*).

16. The Petitioners did not provide sufficient evidence to support the Petitioners' contentions. This conclusion was arrived at because:

- a) Agricultural land is valued under the method established by rule by the Department of Local Government Finance (the "Department"). The agricultural land assessment formula values farmland, in part, based on the productivity of each parcel's soil resources. Soil maps prepared by the United States Department of Agriculture categorize land according to its productivity. Under the rules adopted by the Department, agricultural land is valued using a statewide base rate of \$1,050 per acre and a multiplier to reflect the soil productivity index. (*Version A – Real Property Assessment Guideline, Chapter 2, p. 114*).
- b) There are seven categories of agricultural land use types; only the agricultural homesite is excluded from the application of a soil productivity factor. (*Version A – Real Property Assessment Guideline, Chapter 2, p. 102, 105*).
- c) Soil productivity ratings reflect the yield differences of soil types, and do not reflect crop management decisions made by the owner; even land that has been strip mined is assigned a soil productivity rating. The soil productivity index ranges from approximately 1.28 for the best soil in the state to a productivity factor of .50 for the poorest soil. (*Version A – Real Property Assessment Guideline, Chapter 2, p. 108*).
- d) Similarly, soil productivity ratings are based on corn yield using data collected by Purdue University and the United States Department of Agriculture. Accordingly, the established productivity ratings of the various soil types may not be adjusted by the local officials (such as, for example, changing a productivity factor of 1.28 to a factor of .50).
- e) The Petitioners offered testimony that their property is not as productive as their neighbors', but presented no evidence to support that their assessment actually exceeds the value of the property, that the assessment is in error, that the wrong portion of the USDA soil maps was used, that the incorrect soil productivity rating for their soil type was used in the assessment of their property, or that would otherwise support a different assessment.

17. The local officials attempted to raise the issue of additional tillable acres for corn at the hearing. However, this issue was not identified on the appeal petition. The Board will therefore not address this contention.

Conclusion

18. The Petitioners did not establish a prima facie case. There is no change to the assessment.

Final Determination

In accordance with the above findings and conclusions the Indiana Board of Tax Review now determines that the assessment should not 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.