REPRESENTATIVE FOR PETITIONERS:
James H. O'Donnell, Tax Representative

REPRESENTATIVE FOR RESPONDENT:
Frank Agostino, Attorney[1]

BEFORE THE
INDIANA BOARD OF TAX REVIEW

Thomas & Sally Hauch,	)	Petition No.: 71-003-12-1-5-00293
	)	
Petitioners,	)	
	)	Parcel No.: 71-04-16-351-005.000-003
	)	
v.	)	
	)	County: St. Joseph
	)	
St. Joseph County Assessor,	)	Township: Clay
	)	
Respondent.	)	Assessment Year: 2012

Appeal from the Final Determination of the
St. Joseph County Property Tax Assessment Board of Appeals

October 21, 2015

FINAL DETERMINATION

The Indiana Board of Tax Review (Board) having reviewed the facts and evidence, and having considered the issues, now finds and concludes the following:

[1] Mr. Agostino was not present for the entire hearing. Prior to the Respondent presenting its case-in-chief, Mr. Agostino left to attend another hearing and did not return.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

INTRODUCTION

1. The Respondent had the burden to prove that the subject property's March 1, 2012, assessment was correct. Did the Respondent prove the 2012 assessment was correct?

PROCEDURAL HISTORY

2. The Petitioners initiated their 2012 appeal with the St. Joseph County Assessor on December 26, 2012.[2] On May 24, 2013, the St. Joseph County Property Tax Assessment Board of Appeals (PTABOA) issued its determination lowering the assessment, but not to the level the Petitioners requested. On July 1, 2013, the Petitioners timely filed a Form 131 Petition with the Board.

3. On June 24, 2015, the Board's administrative law judge (ALJ) Jennifer Bippus held a hearing on the petition. Neither the Board nor the ALJ inspected the property.

HEARING FACTS AND OTHER MATTERS OF RECORD

4. Tax representative James H. O'Donnell and County Assessor Rosemary Mandrici were sworn and testified.

5. The Petitioners submitted the following exhibits: [3]

Petitioners Exhibit 1:	Power of Attorney for James H. O'Donnell,
Petitioners Exhibit 2:	Subject property record card,
Petitioners Exhibit 3:	Form 11 Notice of Assessment,
Petitioners Exhibit 4:	Form 130,
Petitioners Exhibit 5:	Proposed assessment from informal meeting dated December 7, 2012,

[2] The Petitioners' Form 130-Short petition (Form 130) is part of the record as Petitioners Exhibit 4. It appears however, the Petitioners requested a review of their assessment informally prior to December 26, 2012. Ultimately the Petitioners later filed a Form 130. *See Bd. Ex. A; Pet'rs Ex. 4, 5.*

[3] Mr. O'Donnell referenced Petitioners' Exhibit 13, an alleged map indicating the subject property's land value calculation. However, Mr. O'Donnell did not offer the exhibit into evidence.

Petitioners Exhibit 6:	Letter from Mr. O'Donnell to Ms. Mandrici, dated June 26, 2013, requesting the PTABOA transcript,
Petitioners Exhibit 7:	Form 115 Notification of Final Assessment Determination,
Petitioners Exhibit 8:	Restricted Appraisal Report for the subject property prepared by Frank Krakowski, Certified General Appraiser, with an effective date of March 1, 2012,
Petitioners Exhibit 9:	Aerial photographs, regular photographs, and property record cards for properties in Shamrock Hills and Ashford Hills subdivisions,
Petitioners Exhibit 10:	Chapter 2, page 54 of REAL PROPERTY ASSESSMENT GUIDELINES,
Petitioners Exhibit 11:	Plat map of subject property's subdivision,
Petitioners Exhibit 12:	Construction diagram noting the subject property's square footage,
Petitioners Exhibits 14, 15:[4]	County Assessor's ratio study for Neighborhood 7103061, Petitioners' ratio study for Neighborhood 7103061, e-mail correspondence between Rosemary Mandrici and Bruce Greenburg, and corresponding property record cards from both ratio studies.

6. The Respondent submitted the following exhibits:

Respondent Exhibit A:	Form 115,
Respondent Exhibit B:	2012 subject property record card,
Respondent Exhibit C:	2014 subject property record card,
Respondent Exhibit D:	Woodland Hills comparable sale report,
Respondent Exhibit E:	Cost adjustments for "Proval 2012 and 2014" prepared by Paul J. Reed, and accompanying letter from Mr. Reed to Ms. Mandrici dated February 1, 2014,
Respondent Exhibit F:	Sales listings from March 1, 2010, to February 28, 2012, and a map indicating the location of the properties.

7. The following additional items are recognized as part of the record:

Board Exhibit A:	Form 131 petition with attachments,
Board Exhibit B:	Hearing notice, dated May 8, 2015,
Board Exhibit C:	Notice of Appearance from Frank Agostino,
Board Exhibit D:	Hearing sign-in sheet.

8. The property under appeal is a single-family residence located at 16766 Orchard Ridge Court in Granger.

[4] Petitioners Exhibits 14 and 15 are together under tab 14 in the Petitioners' binder.

9. The PTABOA determined that the March 1, 2012, assessment is $171,000 for land and $714,600 for improvements, for a total value of $885,600.

10. At the hearing, the Petitioners' representative requested an assessment of $22,760 for land and $733,900 for improvements, for a total value of $756,660.

JURISDICTIONAL FRAMEWORK

11. The Board is charged with conducting an impartial review of all appeals concerning: (1) the assessed valuation of tangible property, (2) property tax deductions, (3) property tax exemptions, and (4) property tax credits that are made from a determination by an assessing official or a county property tax assessment board of appeals to the Board under any law. Ind. Code § 6-1.5-4-1(a). All such appeals are conducted under Ind. Code § 6-1.1-15. *See* Ind. Code § 6-1.5-4-1(b); Ind. Code § 6-1.1-15-4.

OBJECTIONS

12. Mr. Agostino objected to Petitioners' Exhibits 8, 16, and 17. Petitioners' Exhibits 16 and 17 were not offered at the hearing, and therefore, the Board will only address the objection to Petitioners' Exhibit 8. Mr. Agostino objected to Petitioners' Exhibit 8 on the grounds of hearsay, because the appraiser was not present to testify. Mr. O'Donnell did not respond to the objection. The ALJ took the objection under advisement.

13. "Hearsay" is a statement, other than one made while testifying, that is offered to prove the truth of the matter asserted. Such a statement can be either oral or written. (Ind. R. Evid. 801(c)). The Board's procedural rules specifically address hearsay evidence:

> Hearsay evidence, as defined by the Indiana Rules of Evidence (Rule 801), may be admitted. If not objected to, the hearsay evidence may form the basis for a determination. However, if the evidence is properly objected to and does not fall within a recognized exception to the hearsay rule, the resulting determination may not be based solely upon the hearsay evidence.

52 I.A.C. 3-1-5(b). The word "may" is discretionary, not mandatory. In other words, the Board can permit hearsay evidence to be entered in the record, but it is not required to allow it.

14. Petitioners' Exhibit 8 is hearsay. However, effective July 1, 2015, Ind. Code § 6-1.1-15-4 was amended to include the following language:

> (p) At a hearing under this section, the Indiana board shall admit into evidence an appraisal report, prepared by an appraiser, unless the appraisal report is ruled inadmissible on grounds besides a hearsay objection. This exception to the hearsay rule shall not be construed to limit the discretion of the Indiana board, as trier of fact, to review the probative value of an appraisal report.

Ind. Code § 6-1.1-15-4(p) (2015 Ind. Acts sec. 33, SEA 467). This statue creates an exception to the hearsay rule for an appraisal report. Accordingly, the objection is overruled and Petitioners' Exhibit 8 is admitted.

15. Here, the Board's final determination does not hinge on whether Petitioners' Exhibit 8 is admitted or not.

16. Mr. O'Donnell objected to all of the Respondent's exhibits because they were not provided prior to the hearing. In response, Ms. Mandrici testified that she was not aware the Petitioners did not receive the exhibits ahead of time. Further, Mr. Agostino asked Mr. O'Donnell if he requested the exhibits in writing. Mr. O'Donnell stated that he did not, but that he attempted to call Mr. Agostino to notify him that he had not received any exhibits. The ALJ took the objection under advisement.

17. The requirement to request the exchange of exhibits in writing only pertains to small claims procedures. 52 IAC 3-1-5(d). Because the Petitioners opted out of the Board's small claims procedures, both parties were required to exchange copies of their documentary evidence at least five business days prior to the hearing. 52 IAC 2-7-1(b)(1). The exchange requirement allows parties to be better informed and to avoid

surprises, and it also promotes an organized, efficient, and fair consideration of the issues at a hearing. Failure to comply with this requirement can be grounds to exclude evidence. 52 IAC 2-7-1(f). However, the Board may waive the evidence-sharing requirements for materials that were submitted or made part of the record at the PTABOA hearing. 52 IAC 2-7-1(d).

18. Here, there is no indication, and the Respondent did not argue, that Respondent Exhibits A, B, C, D, E, and F were either exchanged prior to the Board's hearing as required, or submitted at the PTABOA hearing. Ms. Mandrici testified that she did not know how the exchange of exhibits was overlooked. However, Mr. O'Donnell incorporated Respondent's Exhibits A, B, and F within his own Petitioners' Exhibits 2, 7, 14 and 15. Thus, Respondent's Exhibits A, B, and F are already part of the record. The Board therefore overrules Mr. O'Donnell's objection to Respondent's Exhibits A, B and F. With regard to Exhibits C, D, and E, Mr. O'Donnell's objection is sustained and those exhibits are excluded.[5]

19. While without formal objection, Mr. O'Donnell complained that he did not receive the PTABOA hearing transcript in this matter. In a letter attached to the Petitioners' Form 131 petition dated June 26, 2013, and again when re-submitting the same letter on June 4, 2015, Mr. O'Donnell requested the PTABOA hearing transcript. *O'Donnell argument; Bd. Ex. A; Pet'rs Ex. 6.* To the extent the Board views this as an objection, Mr. O'Donnell failed to specify what remedy he sought, other than that he wanted to "reference this for the record."

20. In response, Mr. Agostino objected to Mr. O'Donnell's complaint, arguing that the PTABOA hearing transcript is "irrelevant" to this proceeding. The ALJ took the objection under advisement.

21. While the Respondent failed to offer any reason for not complying with two requests to produce that document, the Board ultimately agrees it is irrelevant. The Board's

[5] Mr. O'Donnell also objected to Respondent Exhibit D on the grounds that it is hearsay, but that objection is moot.

proceedings are *de novo.* Again, Mr. O'Donnell did not formally object to the Respondent's failure to provide the transcript, but to the extent that his "complaint" could be viewed as an objection, it is overruled. Because of this reason, Mr. Agostino's objection in response is moot.

22. The Board notes that Mr. O'Donnell is not an attorney, and tax representatives are prohibited from engaging in the practice of law. *See* 52 IAC 1-2-1(b)(4). Objections to evidence on legal grounds come close to crossing the line into the practice of law. Tax representatives are strongly cautioned against crossing the line in any appearances before the Board.

23. Finally, the Board notes that its ruling on these objections has no effect on its final determination. In other words, even if the Board admitted and considered all of the Respondent's exhibits, this final determination would be the same.

PETITIONERS' CONTENTIONS

24. The subject property's land assessment is too high. The property should be valued as a residential home site with excess residential acreage. Further, the Respondent's use of front-foot rates to value the land is incorrect. The land should be valued at $22,760. However, the value assigned to the home should be restored to the 2011 value of $733,900 instead of $714,600 because "that is only fair." *O'Donnell argument.*

25. To support his request for a lower land value, Mr. O'Donnell offered assessments of properties located adjacent to Woodland Hills. Specifically, he pointed to land assessments for the properties located at 51770 Hickory Road, 16901 Brick Road, and 16789 Brick Road. These properties were assessed utilizing the "acreage method." For 51770 Hickory Road and 16901 Brick Road the one-acre home sites were assessed at $20,000 per acre. For 16789 Brick Road, the one-acre home site was assessed at $19,000 per acre. The excess residential acreage was assessed at $3,700 per acre for all three properties. In another nearby subdivision, Ashford Hills, the lots were also assessed using the "acreage method." In this subdivision, the one-acre home sites were assessed at

$22,000 per acre, and the excess residential acreage was assessed at $3,700 per acre. *O'Donnell argument; Pet'rs Ex. 9.*

26. Mr. O'Donnell also examined properties in the Shamrock Hills community. Properties in this community are assessed at $19,000 per one-acre home site, and $3,700 per acre for residential excess acreage. Mr. O'Donnell pointed to three comparable properties from Shamrock Hills, and argued that by valuing the land using the home site acreage with excess residential acreage, the land values were much lower than the assessments of the Woodland Hills subdivision. The first comparable located at 51284 Shamrock Hills is "the most comparable," according to Mr. O'Donnell. This property's one-acre home site is assessed at $20,500, with excess residential acreage valued at $3,700 per acre. The 17535 Dublin Drive property is also similar to the subject property, and its one-acre home site is assessed at $19,000 with its excess residential acreage assessed at $3,700. Finally, the property located at 17690 St. Patrick Court is part of a cul-de-sac, similar to the subject property. This property's one-acre home site is assessed at $20,500 and its excess residential acreage is assessed at $3,700. *O'Donnell argument; Pet'rs Ex. 9.*

27. Mr. O'Donnell argued that the Real Property Assessment Guidelines require residential parcels larger than one acre to be valued using one acre as a home site with the excess acreage calculated at a residential excess acreage rate. In applying that method to the subject property, he calculated the home site at $20,000 per acre and $3,700 for excess acreage, equating to a total land value of $22,760. *O'Donnell argument; Pet'rs Ex.10.*

28. Mr. O'Donnell also argued that the subject property record card reflects an incorrect parcel size. According to Mr. O'Donnell, the property record card indicates the parcel measures 88,000 square feet. However, according to various maps, the property is much smaller. A map produced by Valley Engineering shows the length and width of the subject property, but does not indicate the square footage. The "construction map," with the same measurements as the Valley Engineering map, indicates that the property's square footage is 75,851. Mr. O'Donnell also conducted his own calculation using the "construction map" and came up with a measurement of 75,923 square feet. Finally, Mr.

O'Donnell testified that according to a "MACOG map" the subject property measures 76,099 square feet.[6] Accordingly, for assessment purposes, a measurement of 76,000 square feet would be "in the ballpark" unless the Respondent wanted to order a survey. *O'Donnell argument; Pet'rs Ex. 11, 12.*

29. Finally, Mr. O'Donnell questioned the Respondent's ratio study because "a property he felt should have been included was left out." This property was located on Ashton Court and sold for $1,300,000. Consequently, he performed his own ratio study including the Ashton Court property. Mr. O'Donnell's ratio study resulted in a price related differential (PRD) of 1.032225. The Respondent's ratio study, on the other hand, resulted in a PRD of 1.03. Mr. O'Donnell concluded that both studies are similar, and he ultimately "did not have a problem with the Respondent's ratio study." *O'Donnell argument; Pet'rs Ex. 8, 14, 15.*

RESPONDENT'S CONTENTIONS

30. The Respondent conceded that the land value should revert back to the 2011 value of $61,100. The current land assessment is too high because the Respondent's "computer system picked up the wrong depth table in assessing the property's entire neighborhood." *Mandrici testimony*.

31. Still, the Respondent initially contended that the overall assessment of $885,600 was correct. In support of her contention, she compared the subject property to three properties located in the same neighborhood. The first property, located at 16632 Linfield Court sold for $840,000 on December 6, 2011. The second property at 51494 Autumn Ridge Drive sold on May 4, 2011, for $749,900. The third property, located at 51795 Ashton Court sold for $1,300,000 on July 7, 2010. Adjustments based on a "local adjustment study" were made to account for differences between the three properties and the subject property. The adjustments were computed by Paul Reed, a realtor, broker,

[6] Mr. O'Donnell failed to offer the "MACOG map" into evidence.

and Level II Assessor/Appraiser and a former employee of the Assessor's Office. *Mandrici argument; Resp't Ex. D, E.*

32. Ultimately, the Respondent conceded that the assessment should be reduced to a total assessment of $795,000. When asked if she would be fine with an assessment of $61,100 for land and $733,900 for improvements, Ms. Mandrici replied "that would be fine." *Mandrici testimony.*

BURDEN OF PROOF

33. Generally, the taxpayer has the burden to prove that an assessment is incorrect and what the correct assessment should be. *See Meridian Towers East & West v. Washington Twp. Ass'r,* 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). The burden-shifting statute as recently amended by P.L. 97-2014 creates two exceptions to that rule.

34. First, Ind. Code § 6-1.1-15-17.2 "applies to any review or appeal of an assessment under this chapter if the assessment that is the subject of the review or appeal is an increase of more than five percent (5%) over the assessment for the same property for the prior year." Ind. Code § 6-1.1-15-17.2(a). "Under this section, the county assessor or township assessor making the assessment has the burden of proving that the assessment is correct in any review or appeal under this chapter and in any appeals taken to the Indiana board of tax review or the Indiana tax court." Ind. Code § 6-1.1-15-17.2(b).

35. Second, Ind. Code § 6-1.1-15-17.2(d) "applies to real property for which the gross assessed value of the real property was reduced by the assessing official or reviewing authority in an appeal conducted under IC 6-1.1-15." Under those circumstances, "if the gross assessed value of real property for an assessment date that follows the latest assessment date that was the subject of an appeal described in this subsection is increased above the gross assessed value of the real property for the latest assessment date covered by the appeal, regardless of the amount of the increase, the county assessor or township assessor (if any) making the assessment has the burden of proving that the assessment is

correct." Ind. Code § 6-1.1-15-17.2(d). This change was effective March 25, 2014, and is applicable to all appeals pending before the Board.

36. Initially, there was some confusion as to whether the Petitioners were appealing only the land value and whether they were seeking a value lower than the 2011 assessment. Thus, the ALJ made a preliminary determination that the Petitioners had the burden, and that they would present their case first. Upon further examination of the record, however, the Board reverses the ALJ's preliminary decision. After examining the exhibits, the subject property record card in particular, the total assessment increased by more than 5%. The burden rests with the Respondent in this case.

37. Generally, the Board has treated the burden-shifting statute as a threshold issue. It determines which party has the burden of proof prior to any analysis of the grounds raised in the appeal. Indiana Code § 6-1.1-15-17.2 does not expressly contemplate a separate analysis for land only appeals. *See Mac's Convenience Stores, LLC v. Hamilton Co. Ass'r,* Ind. Bd. Tax Rev. pet. no. 29-006-12-1-4-02050 (November 14, 2014). In the present case, the land and improvements together form one economic unit. Thus, the Board will disregard a piecemeal approach to determining burden.

38. Further, whether the Board considers land only or the entire assessment, the increase from 2011 to 2012 was more than 5% either way. The land increased from $61,100 in 2011 to $171,000 in 2012, an increase of 180%. The total assessment increased from $795,000 in 2011 to $885,600 in 2012, an increase of 11.4%. Thus, the burden rests with the Respondent to prove the 2012 assessment is correct. To the extent the Petitioners seek an assessment below the 2011 value of $795,000, they have the burden to prove that lower value.

ANALYSIS

39. Real property is assessed based on its market value-in-use. Ind. Code § 6-1.1-31-6(c); 2011 REAL PROPERTY ASSESSMENT MANUAL at 2 (incorporated by reference at 50 IAC 2.4-1-2). The cost approach, the sales comparison approach, and the income approach are three generally accepted techniques to calculate market value-in-use. Assessing officials primarily use the cost approach, but other evidence is permitted to prove an accurate valuation. Such evidence may include actual construction costs, sales information regarding the subject or comparable properties, appraisals, and any other information compiled in accordance with generally accepted appraisal principles.

40. Regardless of the method used, a party must explain how its evidence relates to the relevant valuation date. *See O'Donnell v. Dep't of Local Gov't Fin.,* 854 N.E.2d 90, 95 (Ind. Tax Ct. 2006); *see also Long v. Wayne Twp. Ass'r,* 821 N.E.2d 466, 471 (Ind. Tax Ct. 2005). For 2012 assessments that date was March 1, 2012. *See* Ind. Code § 6-1.1-4-4.5(f).

41. Here, as explained above, the majority of the Respondent's evidence attempting to prove that the assessment is correct was excluded from the record because she failed to provide those exhibits to the Petitioners prior to the hearing. Thus, the Respondent did not make a prima facie case. However, for the reasons that follow, even if the Board had considered all of the Respondent's evidence, she still would not have made a prima facie case that the subject property was correctly assessed.

42. The Respondent attempted to prove that the subject property was correctly assessed by offering sales information for three purportedly comparable properties. In doing so, the Respondent essentially relies on a sales-comparison approach to establish the market value-in-use of the property. *See* 2011 REAL PROPERTY ASSESSMENT MANUAL at 9 (incorporated by reference at 50 IAC 2.4-1-2)(stating that the sales-comparison approach relies on "sales of comparable improved properties and adjusts the selling prices to reflect the subject property's total value."); *see also, Long,* 821 N.E.2d 466, 469.

43. To effectively use the sales-comparison approach as evidence in a property tax appeal, the proponent must establish the comparability of the properties being examined. Conclusory statements that a property is "similar" or "comparable" to another property are not sufficient. *Long*, 821 N.E.2d at 470. 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. Similarly, the proponent must explain how any differences between the properties affect their relative market values-in-use. *Id.*

44. The Respondent's analysis does contain some adjustments for differences between the properties. According to Ms. Mandrici, the adjustments were based on a "local adjustment study" performed by Paul J. Reed. Adjustments were made to account for differences in amenities that specifically appear on the properties' record cards.

45. Mr. Reed, however, was not present at the hearing to testify or to explain either his qualifications or the basis for his adjustment computations. There is no indication on the record that Mr. Reed is a licensed appraiser, or that his adjustment study conforms to generally accepted appraisal techniques, or with the Uniform Standards of Professional Appraisal Practice (USPAP).

46. Further, in computing adjustments for differences itemized on the property record cards, it is not clear that the Respondent considered all differences that are relevant. For example, when looking at two properties of the same size, the property record cards, relating mainly to the cost approach, fail to recognize the difference between a two-bedroom property and a three-bedroom property. At best, the Respondent's sales-comparison analysis incorporates adjustments that mix elements of the sales-comparison approach with elements of the cost approach.

47. On its face the Respondent's analysis does not appear to differ significantly from those made by a certified appraiser in an appraisal report. But a certified appraiser's assertions are backed by his education, training, and experience, as well as a certification that the

analysis conforms to generally accepted appraisal principles and USPAP. Here, Mr. Reed's analysis is not enough to prove the market value-in-use of the subject property.

48. Consequently, even if the Board were to consider all of the Respondent's evidence, she would not have made a prima facie case. Therefore, the 2012 assessment must be reduced to the 2011 value of $795,000 ($61,100 for the land and $733,900 for improvements). *See* Ind. Code § 6-1.1-15-17.2 (a) and (b). That determination does not end the Board's inquiry because the Petitioners requested that the land assessment be reduced to $22,760.[7] The Petitioners have the burden of proving they are entitled that reduction.

49. Mr. O'Donnell offered a comparable land assessment analysis and a sales ratio study in support of lowering the land assessment. In his land comparable analysis, he examined other neighborhoods where the land assessments were based on one acre home sites with excess residential acres, rather than the front-foot basis the assessor used for the subject property. However, "[I]n valuing land it is stressed that the pricing method for valuing the neighborhood is of less importance than arriving at the correct value of the land as of the valuation date." *See* 2011 REAL PROPERTY ASSESSMENT MANUAL at 13-14.

50. Parties can introduce assessments of comparable properties to prove the market value-in-use of a property under appeal. The determination of whether the properties are comparable using the "assessment comparison" approach must be based on generally accepted appraisal and assessment practices. Ind. Code § 6-1.1-15-18. In other words the proponent must provide the type of analysis that *Long* contemplates for the sales-comparison approach. Here, there is little evidence that Mr. O'Donnell conformed to those requirements. Therefore, his evidence lacks probative value.

51. Regardless of the validity of either the Respondent's or Mr. O'Donnell's ratio studies, Mr. O'Donnell failed to offer any authority for using a ratio study to prove an individual

[7] The request for a reduction in the land value was made at the hearing. On their Form 131 petition, the Petitioners requested a land value of $61,100.

property's market value-in-use. In fact, the IAAO's Standard on Ratio Studies, which 50 IAC 27-1-4 incorporates by reference, prohibits using ratio studies for that purpose:

> Assessors, appeal boards, taxpayers, and taxing authorities can use ratio studies to evaluate the fairness of funding distributions, the merits of class action claims, or the degree of discrimination. . .**However, ratio study statistics cannot be used to judge the level of appraisal of an *individual* parcel.**

INTERNATIONAL ASSOCIATION OF ASSESSING OFFICIALS STANDARD ON RATIO STUDIES VERSION 17.03 Part 2.3 (Approved by IAAO Executive Board 07/21/2007) (bold added, italics in original).

52. Further, while he failed to discuss it, Mr. O'Donnell offered a Restricted Appraisal Report, with a limited scope of work performed in accordance with Standards Rule 2-2(c) of USPAP. This report was completed by Frank Krakowski, a certified general appraiser. It appears that adjustments were made, but he failed to provide any explanation for his adjustments. Mr. Krakowski estimates the market value-in-use of the subject property's land to be approximately $154,000. *See Pet'rs Ex. 8.* Ultimately, Mr. Krakowski suggests that based on the assessed values of comparable sales, the subject property's land should be assessed at $20,500. However, given Mr. Krakowski's prior estimated market value-in-use, the Board finds little probative value to his suggested land assessment of $20,500.

53. Finally, the Board finds insufficient evidence to make any change regarding the land's square footage. While Mr. O'Donnell argued that the square footage indicated on the property record card is incorrect, he did not offer enough probative evidence to prove a more accurate number. Moreover, he failed to offer any evidence to prove any error in this regard resulted in an incorrect assessment.

SUMMARY OF FINAL DETERMINATION

54. The Respondent had the burden of proving the 2012 assessment was correct. She failed to make a prima facie case. The Petitioner sought a land assessment lower than the 2011 assessed value, but likewise failed to make a prima facie case. The Board orders the 2012 assessment be lowered to the 2011 level of $795,000 ($61,100 for the land and $733,900 for the improvements).

This Final Determination of the above captioned matter is issued by the Indiana Board of Tax Review on the date first written above.

_____
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>.