

REPRESENTATIVES FOR PETITIONER: Peggy J. Denner, property owner

REPRESENTATIVES FOR RESPONDENT: Greg Valentine, Green Township Assessor

**BEFORE THE
INDIANA BOARD OF TAX REVIEW**

In the matter of:

)	Petition for Review of Assessment, Form 131
)	
PEGGY J. DENNER,)	Petition No.: 48-014-03-1-6-00001
)	
Petitioner)	County: Madison
)	
v.)	Township: Green
)	
)	Parcel No.: Personal Property
GREEN TOWNSHIP ASSESSOR,)	
)	
Respondent)	Assessment Year: 2003
)	

Appeal from the Final Determination of
The Madison County Property Tax Assessment Board of Appeals (PTABOA)

December 22, 2003

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:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Issue

1. The issue presented for consideration by the Board was:

Whether the annually assessed manufactured home was correctly valued for the 2003 assessment year.¹

Procedural History

2. Pursuant to Ind. Code § 6-1.1-15-3, Peggy J. Denner (Petitioner) filed a Form 131 petitioning the Board to conduct an administrative review of the above petition. The Form 131 was filed on June 19, 2003. The PTABOA's Notification of Final Assessment Determination (Form 115) was mailed on June 10, 2003.

Hearing Facts and Other Matters of Record

3. Pursuant to Ind. Code § 6-1.1-15-4, a hearing was held on October 1, 2003 in Anderson, Indiana before Patti J. Kindler, the duly designated Administrative Law Judge (ALJ) authorized by the Board under Ind. Code § 6-1.5-5-2.

4. The following persons were present at the hearing:

For the Petitioner: Peggy J. Denner, property owner

Tracey D. Wellman, property owner's daughter

For the Respondent: Greg Valentine, Green Township Assessor

Cheryl Heath, Member of the PTABOA

5. The following persons were sworn in as witnesses and presented testimony:

For the Petitioner: Peggy J. Denner

Tracey D. Wellman

For the Respondent: Greg Valentine

Cheryl Heath

¹ According to 50 IAC 3.2, for the purpose of this article, mobile home includes a manufactured home, and can be used synonymously.

6. The following exhibits were presented:

For the Petitioner:

Petitioner's Exhibit 1 – Copy of the assessor's mobile home calculation worksheet for assessment

Petitioner's Exhibit 2 – Copy of the subject Notice of Assessment of Mobile Home

Petitioner's Exhibit 3 – Copy of a book value from the *NADA Appraisal Guide for Manufactured Housing* (NADA)

Petitioner's Exhibit 4 – Copy of original purchase agreement for the 2000 Skyline manufactured home

Petitioner's Exhibit 5 – Copy of the Indiana Certificate of Title for the manufactured home

For the Respondent:

Respondent's Exhibit 1 – Copy of a memorandum dated 1/27/03, from the Department of Local Government Finance (DLGF) regarding annually assessed mobile homes

Respondent's Exhibit 2 – Copy of the assessor's annually assessed mobile home worksheet for the subject property with the Form 114 attached

Respondent's Exhibit 3 – Copy of retail valuation information from the NADA guide for manufactured homes

7. At the hearing, the parties agreed to waive the discovery provisions listed in Ind. Code § 6-1.1-15-4, which requires parties to the appeal to file statements of testimonial evidence and lists of witnesses and exhibits prior to the Board's hearing.

8. The following additional items are officially recognized as part of the record of proceedings:

Board's Exhibit A – Form 131

Board's Exhibit B – Notice of Hearing on Petition

9. The annually assessed manufactured home is located at 8635 West Holly Drive, Pendleton, Green Township, Madison County.
10. The ALJ did not conduct an on-site inspection of the subject property.
11. The year under appeal is 2003 and the Assessed Value is: Annually Assessed Personal property: \$45,000.

Jurisdictional Framework

12. This matter is governed by the provisions of Ind. Code § 6-1.1-15, and all other laws relevant and applicable to appeals initiated under those provisions, including all case law pertaining to property tax assessment or matters of administrative law and process.
13. The Board is authorized to issue this final determination pursuant to Indiana Code § 6-1.1-15-3.

Indiana's Property Tax System

14. The Indiana Constitution requires Indiana to create a uniform, equal, and just system of assessment. See Ind. Const. Article 10, §1.
15. Indiana has established a mass assessment system through statutes and regulations designed to assess property according to what is termed "True Tax Value." See Ind. Code § 6-1.1-31, and 50 Ind. Admin. Code 2.2.
16. True Tax Value does not precisely equate to fair market value. See Ind. Code § 6-1.1-31-6(c).
17. An appeal cannot succeed based solely on the fact that the assessed value does not equal the property's market value. See *State Board of Tax Commissioners v. Town of St. John*, 702 N.E. 2d 1034, 1038 (Ind. 1998) (*Town of St. John V*).

18. The Indiana Supreme Court has said that the Indiana Constitution “does not create a personal, substantive right of uniformity and equality and does not require absolute and precise exactitude as to the uniformity and equality of each individual assessment”, nor does it “mandate the consideration of whatever evidence of property wealth any given taxpayer deems relevant”, but that the proper inquiry in tax appeals is “whether the system prescribed by statute and regulations was properly applied to individual assessments.” See *Town of St. John V*, 702 N.E. 2d at 1039 – 40.

State Review and Petitioner’s Burden

19. The State does not undertake to reassess property, or to make the case for the petitioner. The State decision is based upon the evidence presented and issues raised during the hearing. See *Whitley Products, Inc. v. State Bd. of Tax Comm’rs*, 704 N.E. 2d 1113 (Ind. Tax 1998).
20. The petitioner must submit ‘probative evidence’ that adequately demonstrates all alleged errors in the assessment. Mere allegations, unsupported by factual evidence, will not be considered sufficient to establish an alleged error. See *Whitley Products, Inc. v. State Bd. of Tax Comm’rs*, 704 N.E. 2d 1113 (Ind. Tax 1998), and *Herb v. State Bd. of Tax Comm’rs*, 656 N.E. 2d 1230 (Ind. Tax 1998). [‘Probative evidence’ is evidence that serves to prove or disprove a fact.]
21. The petitioner has a burden to present more than just ‘de minimis’ evidence in its effort to prove its position. See *Hoogenboom-Nofzinger v. State Bd. of Tax Comm’rs*, 715 N.E. 2d 1018 (Ind. Tax 1999). [‘De minimis’ means only a minimal amount.]
22. The petitioner must sufficiently explain the connection between the evidence and petitioner’s assertions in order for it to be considered material to the facts. ‘Conclusory statements’ are of no value to the State in its evaluation of the evidence. See *Heart City Chrysler v. State Bd. of Tax Comm’rs*, 714 N.E. 2d 329 (Ind. Tax 1999). [‘Conclusory statements’ are statements, allegations, or assertions that are unsupported by any detailed factual evidence.]

23. Essentially, the petitioner must do two things: (1) prove that the assessment is incorrect; and (2) prove that the specific assessment he seeks, is correct. In addition to demonstrating that the assessment is invalid, the petitioner also bears the burden of presenting sufficient probative evidence to show what assessment is correct. See *State Bd. of Tax Comm'rs v. Indianapolis Racquet Club, Inc.*, 743 N.E.2d 247, 253 (Ind., 2001), and *Blackbird Farms Apartments, LP v. DLGF* 765 N.E.2d 711 (Ind. Tax, 2002).
24. The State will not change the determination of the County Property Tax Assessment Board of Appeals unless the petitioner has established a 'prima facie case' and, by a 'preponderance of the evidence' proven, both the alleged error(s) in the assessment, and specifically what assessment is correct. See *Clark v. State Bd. of Tax Comm'rs*, 694 N.E. 2d 1230 (Ind. Tax 1998), and *North Park Cinemas, Inc. v. State Bd. of Tax Comm'rs*, 689 N.E. 2d 765 (Ind. Tax 1997). [A 'prima facie case' is established when the petitioner has presented enough probative and material (i.e. relevant) evidence for the State (as the fact-finder) to conclude that the petitioner's position is correct. The petitioner has proven his position by a 'preponderance of the evidence' when the petitioner's evidence is sufficiently persuasive to convince the State that it outweighs all evidence, and matters officially noticed in the proceeding, that is contrary to the petitioner's position.]

Discussion of Issue

ISSUE: *Whether the annually assessed manufactured home was correctly valued for the 2003 assessment year.*

25. The manufactured home under review is a 2000 Skyline model, 28 feet x 60 feet and has a True Tax Value of \$45,000 for the 2003 tax year.
26. The Petitioner contends the manufactured home's assessed value is excessive and incorrect for the 2003 annual assessment year because the home is valued higher than both the *NADA Appraisal Guide for Manufactured Housing* (NADA) retail value and the price paid for the home on June 26, 2000.

27. The Respondent contends the home was properly assessed according to the 2002 Real Property Assessment Manual and Guidelines specified in the DLGF rules for annually assessed mobile homes (50 IAC 3.2).

28. The applicable rules governing this issue are:

Real Property Assessment Guideline, Book 1, Chapter 4 – Version A - Mobile and Manufactured Homes

Provides the guidelines for establishing the valuation of real property mobile and manufactured homes.

50 IAC 3.2 – DLGF rule for assessment of mobile homes

50 IAC 3.2-3-1

Sec. 1 (a) The township assessor of the township within which the mobile home is located shall assess the mobile home for taxation under this article.

(b) A mobile home shall be assessed as real property under 50 IAC 2.3 if the mobile home:

(1) is located on land owned by the owner of the mobile home; or

(2) is located on a permanent foundation even if the land under the mobile home is owned by someone other than the owner of the mobile home.

(c) A mobile home shall be assessed annually in accordance with the personal property rule in effect January 15 if the mobile home is held for sale in the ordinary course of a trade or business.

(d) The township assessor shall assess mobile homes that do not meet the requirements of subsection (b) or (c), and all exterior features, yard structures, and improvements owned by the mobile home owner and located on the same parcel as the mobile home in accordance with 50 IAC 3.2-2.

50 IAC 3.2-2-2 “Annually Assessed Mobile Home” defined:

An “annually assessed mobile home” is a mobile or manufactured home that is not located on (1) a permanent foundation; or (2) land owned by the mobile home owner.

50 IAC 3.2-4-1 Criteria for valuation of annually assessed mobile homes

(a) Township assessors shall use the standard of true tax value as set forth in the Real Property Assessment Manual for 2002 in the assessment of annually assessed mobile homes.

(b) All annually assessed mobile homes assessed after January 14, 2003, shall be assessed in accordance with the methodology that the county assessor has elected, in accordance with 50 IAC 2.3-1-1, for the assessment of real property mobile homes in the county in which the mobile home is assessed.

(c) If the county assessor has selected to assess real property mobile homes under the Real Property Assessment Guideline for 2002 – Version A, then the township assessor shall value annually assessed mobile homes in accordance with the guidelines for the assessment for real property mobile homes contained in the Real Property Assessment Guidelines for 2002 – Version A.

(d) If the county has selected to assess real property mobile homes under an assessment method other than that described in subsection (c) and the county assessor has obtained the approval of the Department of Local Government Finance in accordance with 50 IAC 2.3-1-1(f) for this assessment method, then each township assessor in the county shall use the alternative approved method for the assessment of annually assessed mobile homes.

DLGF Memorandum to assessing officials, dated January 27, 2003, regarding Annually Assessed Mobile Homes:

50 IAC 3.2 specifies that township assessors are to use the 2002 Real Property Manual and Guidelines in the assessment of annually assessed mobile homes. This memorandum further instructs assessors that if the owner of an annually assessed mobile home contacts the township assessor stating the true tax value is too high when compared to a nationally recognized pricing guide such as the NADA guide, the assessor or county PTABOA may adjust the value if there exists a better indication of true tax value than that produced by the schedules found in the 2002 Real Property Assessment Guidelines. However, the memorandum indicates the national value guides are based on averages and do not necessarily represent the value of any individual mobile home. Therefore, an appraisal or sale of the mobile home would be better evidence of value. Further, if an assessing official accepts the NADA Guide as sufficient evidence of value, they are instructed to simply enter the new value into a column of the Valuation Record section of the mobile home worksheet with an appropriate reason such as “appeal” or “market adjustment.”

Assessment Division, DLGF Memorandum to assessing officials, dated July 2003, regarding Annually Assessed Mobile Homes

The true tax value of any property in Indiana, including annually assessed mobile homes, is to be equal to its market value-in-use as defined in the 2002 Real Property Manual. Therefore, if there exists a better indication of true tax value than that produced by the schedules in the 2002 Real Property Assessment Guidelines that were used by the assessor, the assessor can adjust the value. The DLGF further states that the memorandum is not intended as a global authorization to use the NADA guide in lieu of the cost and depreciation tables contained in 50 IAC 3.2. The NADA guide is not a mass appraisal method. However, it is allowable to use the NADA guide to adjust the value of an **individual** mobile home upon appeal if the assessor found that the guide provided better evidence of value than 50 IAC 3.2.

Real Property Assessment Guideline, Book 1, Appendix C – Residential and Agricultural Cost Schedules – Mobile and Manufactured Homes
Mobile Home Cost Schedules

29. Evidence and testimony considered particularly relevant to this determination includes the following:

- a. The subject property is a 2000 Skyline model, 28 feet x 60 feet, manufactured home annually assessed as personal property at a True Tax Value of \$45,000 after depreciation was applied for the 2003 assessment year. *Respondent's Exhibit 2.*
- b. The true tax value for the subject manufactured home exceeds the NADA retail price, as well as, the actual purchase price paid in June 2000. *Wellman testimony and Petitioner's Exhibit 4.*
- c. A copy of a NADA valuation form, dated September 2003, indicates a retail value of \$38,605.52 for the subject manufactured home. *Petitioner's Exhibit 3.*
- d. The NADA value is based on a standard quality 28 feet x 60 feet, 2000 model year Skyline manufactured home in "good" condition. The base NADA retail value was adjusted upward for location, condition, central air, skirting, number of doors and windows, and ceiling fans. *Wellman testimony and Petitioner's Exhibit 3.*
- e. In addition, components contained in the subject home were added to the base value including: bath fixtures, carpeting, pitched asphalt roofing, house-type siding, kitchen appliances, and a fireplace. *Petitioner's Exhibit 3.*
- f. Consideration should be given to the NADA retail value submitted as a basis for the assessment. *Wellman testimony.*
- g. The NADA values represent averages. No one in the county used NADA values and it would not be appropriate to use these values to change one (1) individual manufactured home when there are over 190 like homes in Green Township that are valued according to 50 IAC 3.2. *Valentine testimony.*
- h. According to the memorandum issued by the DLGF in January 2003, assessors were instructed to use Real Property Assessment Manual and Guideline (50 IAC 2.3). The memorandum states that national value guides are based on averages and do not necessarily represent the value of any individual mobile home. *Valentine Testimony and Respondent's Exhibit 1.*
- i. The memorandum indicates that an appraisal or sale of the mobile home would be better evidence of value than a national guide and that an appraisal was performed on the property using costs derived from IAC 3.2 to come up with a value of \$50,000 before depreciation. *Valentine testimony and Respondent's Exhibit 2.*

- j. The DLGF instructed him not to use NADA in pricing manufactured homes. Even so, a retail price was developed for a deluxe 2000 manufactured home using the NADA guide, which resulted in a high retail value of \$35,848. *Valentine testimony and Respondent's Exhibit 3.*
- k. If the subject manufactured home were valued according to the NADA guide, it should fall in the “deluxe” quality category instead of the “standard” quality category used by the Petitioner. *Valentine testimony.*
- l. The NADA valuation was not submitted to support a change in assessment. From experience as a recreational vehicle sales person, the NADA values tend to be lower than actual retail value. *Valentine testimony.*
- m. As further support for a review of the subject home's value, a copy of the original sales contract was presented into evidence, which lists a purchase price for the unit as \$48,400 on June 26, 2000. The sales contract included all costs involved with the purchase and set-up of the home. *Denner testimony and Petitioner's Exhibit 4.*
- n. Relief was requested from the Green Township Assessor, asking that the manufactured home's true tax value be changed to the \$48,400 sales price if the Township is to refuse to consider the NADA retail pricing that was submitted. *Wellman testimony.*
- o. The manufactured home's value will not be lowered from the current assessment of \$50,000 to \$48,400, the price listed on the sales contract. Other homes in the park have similar assessed values from \$39,000 to \$49,000 and the assessment is fair. The subject home is one of the nicest homes in the park, if anything, the assessment is a little on the low side. *Valentine testimony*
- p. The resale of pre-owned manufactured homes located in the park, similar in age, quality and condition to the subject, has not been good. The assessment on the subject home should not be higher than what was paid for the property. *Denner testimony.*

Analysis of the ISSUE

30. The Respondent valued the subject manufactured home using the cost schedules from the 2002 Real Property Assessment Manual and Guidelines specified in 50 IAC 3.2, as instructed by the DLGF. The assessment worksheet (Petitioner's Exhibit 1) for the annual assessment shows a base value of \$46,400 plus \$2,600 for air conditioning and \$1,000 for skirting for a total value of \$50,000. The Respondent applied a "good" condition rating to the subject manufactured home, which resulted in the application of ten percent (10%) physical depreciation factor (See the Real Property Assessment Guideline, Book 1, Version A – Appendix B, Table B-6 – Post HUD Code Models). The total Assessed Value for the manufactured home less depreciation is \$45,000.
31. The Petitioner makes two (2) arguments in support of its position that the true tax value assigned to the manufactured home is excessive. The Petitioner submitted a copy of a retail value from the NADA guide dated September 9, 2003 (Petitioner's Exhibit 3), for the subject manufactured home of \$38,605.52. In addition, the Petitioner submitted a copy of the actual purchase agreement (Petitioner's Exhibit 4) dated June 26, 2000 for the subject, which shows a sales price for a 28-foot x 60 foot 2000 Skyline model of \$48,400.
32. Before applying the evidence to reduce the contested assessment, the Board must first analyze the reliability and probity of the evidence to determine what, if any, weight to accord it.
33. The Board must determine if the Petitioner's evidence complies with the requirements of 50 IAC 3.2 and the subsequent memorandums regarding annually assessed mobile homes issued by the DLGF in January 2003 and July 2003.
34. The purpose of 50 IAC 3.2 was to provide the method for assessment of annually assessed mobile and manufactured homes. *See*, ¶28. 50 IAC 3.2, adopted by the DLGF specifies that township assessors are to use the 2002 Real Property Assessment Manual and Guidelines in the assessment of annually assessed mobile homes, unless approval of an alternate method was given in advance by the DLGF. However, two (2)

memorandums were issued by the DLGF subsequent to the adoption of 50 IAC 3.2, to answer several questions that had arisen with regards to annually assessed mobile homes.

35. The following question, deemed applicable to this appeal, was answered in both of the memorandums issued in January 2003 and July of 2003:

Question: After receiving notice of the assessment, the owner of an annually assessed mobile home contacts the township assessor stating the true tax value is too high when compared to a nationally recognized pricing guide such as the NADA guide for manufactured housing. Should the assessor revise the value based on this type of evidence?

Answer: The true tax value of any property in Indiana, including mobile homes, is to be equal to its market value-in-use as defined in the 2002 Real Property Manual. Therefore, if there exists a better indication of true tax value than that produced by the schedules in the 2002 Real Property Assessment Guidelines that were used by the assessor, the assessor *can* adjust the value.

36. Although the memorandums state that a NADA value is acceptable as evidence of value for a mobile home, the memorandums further state that the “national value guides are based on ‘averages’ and do not represent the value of any individual mobile home. Therefore, an appraisal or sale of the mobile home would be better evidence of value.” See DLGF Memorandums dated January 2003 and July 2003.

37. In the case at bar, the Petitioner’s submission of two (2) estimates of value from the marketplace, one (1) from NADA (Petitioner’s Exhibit 3) and the other, a purchase agreement (Petitioner’s Exhibit 4), represent the probative evidence that the assessment of the subject manufactured home may be excessive.

38. Since the value determined from the NADA guide is based on “averages”, the Board will give more weight to the purchase agreement dated June 26, 2000, submitted by the Petitioner. See ¶36.

39. The value listed on the purchase agreement is considered the best indicator of value of the subject property. However, the subject manufactured home was purchased in 2000, whereas, the cost schedules found in the 2002 Real Property Assessment Manual and Guideline used to value the subject, reflect costs as of January 1, 1999. Thus an

adjustment is required in order to make a true comparison between the 2000 purchase price and the cost schedules in the 2002 Real Property Assessment Manual and Guideline.

40. The 2002 Real Property Assessment Manual, under Definitions, page 8, defines Appraisal Date as, “The date as of which a property’s value is estimated. The date as of which the true tax value of the property is estimated. In the case of the 2002 general reassessment, this would be January 1, 1999.”
41. In addition, Book 1, Version A – 2002 Real Property Assessment Guideline – Introduction for Assessment, page 2, states in part, “Cost ‘new’ refers to the current cost to construct the improvements as of a specified date. In the case of the 2002 general reassessment, the assessor will be estimating cost new as of January 1, 1999.” It goes on to say, “Do not confuse the concept of cost new with original/historical cost. Original/historical cost is the cost of constructing the improvement on the date it was first completed and ready for occupancy. The use of original cost is only appropriate if the improvement being valued was completed on or about January 1, 1999, or where the assessor has an accurate estimate of original cost and can trend the cost to January 1, 1999, using comparative cost multipliers in order to develop cost new.”
42. The cost schedules reflect values as of January 1, 1999. Therefore, in order to compare the sales price for the subject manufactured home in June of 2000 to the 1999 values found in the cost schedules, the Board must trend back the 2000 sale price to 1999 dollars. This is accomplished by using regional cost multipliers from the *Marshall & Swift Residential Cost Handbook* (Marshall & Swift).
43. The Marshall & Swift handbook is a nationally recognized publication of assessment/appraisal theory and cost data, that provides comparative cost multipliers by region and a formula to take an established cost of a residence to a future or historical date. For the sake of this appeal, the Marshall & Swift comparative cost multipliers used will be those for the Great Lakes Region. This region includes Wisconsin, Illinois, Indiana, Michigan and Ohio.

44. By using the Marshall & Swift comparative cost multipliers and the Petitioner's purchase agreement for the subject manufactured home, the sale price can be trended back in time from June 2000 to reflect January 1, 1999 costs.
45. The Marshall & Swift handbook under Comparative Cost Multipliers By Region, Section F – Quarterly Multipliers, page F-11 (printed 9/2003), provides a formula to take an established cost (\$48,400 purchase price) to a historical date (January 1, 1999).
46. The Marshall & Swift quarterly cost multipliers for the purchase date in the second quarter of 2000 (June 26, 2000) for wood framed properties, is 1.053. The Marshall & Swift quarterly cost multiplier for the assessment date (January 1, 1999) in the first quarter of 1999 for wood framed properties, is 1.133. See Marshall & Swift, Section F, page 12 and 13.
47. To calculate the deflation factor needed to trend the 2000 purchase price back to the first quarter 1999 assessment date, requires the 2000 quarterly multiplier to be divided by the 1999 first quarter multiplier. The calculation is as follows:

Second quarter 2000 multiplier	1.053
First quarter 1999 multiplier	1.133
 1.053 divided by 1.133 equals	 .929

48. By using the purchase price for the manufactured home on June 26, 2000 (\$48,400), and multiplying it by the calculated deflation factor of .929, the remainder value would equal the subject home's value as of January 1, 1999. The 2000 purchase price is $\$48,400 \times .929 = \$44,964$.
49. Trending the purchase price back to reflect 1999 costs still does not end the calculation because an adjustment is made for physical depreciation on an annual basis. Therefore, physical depreciation would need to be applied to the trended purchase price to determine the annually assessed 2003 value-in-use for the subject property.

50. Since the subject structure was built after June 15, 1976, the Manufactured Home (Post HUD Code) Depreciation Table was used to determine the physical depreciation. See 2002 Real Property Assessment Guideline, Book 1, Version A, Appendix B, page 15 and 16.
51. The Respondent applied a “good” condition rating to the subject manufactured home. See Petitioner’s Exhibit 1. The Petitioner did not rebut the Respondent’s claim that the subject manufactured home should be considered in “good” condition nor did the Petitioner offer any evidence that showed the condition to be anything other than “good”.
52. Thus, it was determined that for a three (3) year old manufactured home, in “good” condition, the physical depreciation would be 10%. See Petitioner’s Exhibit 1 and the Manufactured home (Post HUD Code) Depreciation Table.
53. When the physical depreciation is applied to the trended value, the results are as follows: $\$44,964$ (trended value) \times 90% (un-depreciated amount) = $\$40,468$ rounded to $\$40,470$ for the 2003 assessment date. Local officials had valued the subject at $\$45,000$.
54. The Respondent’s assertion that revising the manufactured home at appeal according to NADA retail values, would then require the township to revise the remaining manufactured homes in the township, is incorrect. The DLGF’s July 2003 memorandum plainly states that NADA is not given global authorization for use by assessing officials in lieu of the cost and depreciation tables contained in the mobile home rule (50 IAC3.2). “The NADA guide is not a mass appraisal method.” However, “it is allowable to use the NADA guide to adjust the value of an **individual** mobile home upon appeal if the assessor found that the guide provided better evidence of value than the rule.” *Annually Assessed Mobile Homes, July 2003, Assessment Division, DLGF.*
55. For all the reasons set forth above, the Petitioner met their burden of proof with evidence that the assessment was excessive, as well as providing probative evidence in support of a corrected value for the property. The annually assessed manufactured home should be

valued at \$40,470 for the 2003 annual assessment year. A change in the assessment is made as a result of this issue.

Summary of Final Determination

Determination of ISSUE: *Whether the annually assessed manufactured home was correctly valued for the 2003 assessment year.*

56. The Petitioner met their burden by offering probative evidence of an error in the assessment, as well as providing evidence of a corrected assessment. Accordingly, there is a change in the assessment.

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

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.