

REPRESENTATIVE FOR PETITIONER: Robert G. Warfield, Pro se.

REPRESENTATIVE FOR RESPONDENT: Greg Valentine, Green Township Assessor

**BEFORE THE
INDIANA BOARD OF TAX REVIEW**

In the matter of:

ROBERT & JEANNE WARFIELD,)	Petition No.: 48-014-03-1-6-00002
)	
Petitioner)	County: Madison
)	
v.)	Township: Green
)	
GREEN TOWNSHIP ASSESSOR,)	Parcel No.: Personal Property
)	
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:

Robert G & Jeanne Warfield

Findings and Conclusions

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, Robert G. Warfield (Petitioner) filed a Form 131 petitioning the Board to conduct an administrative review of the above petition. The Form 131 was filed on July 10, 2003. The Madison County 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: Robert G. Warfield, property owner

For the Respondent: Greg Valentine, Green Township Assessor

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

For the Petitioner: Robert G. Warfield

For the Respondent: Greg Valentine

6. The following exhibits were presented:

For the Petitioner:

¹ According to 50 IAC 3.2, for the purpose of this article, mobile home includes a manufactured home, and can be used synonymously. Generally, the term mobile home refers to pre 1976 models, and the term manufactured home refers to post 1976 HUD code homes.

Petitioner's Exhibit 1 – A copy of the subject Form 130

Petitioner's Exhibit 2 – Letter from Mr. Warfield to Mr. Valentine dated
March 17, 2003

Petitioner's Exhibit 3 – Letter from Mr. Valentine to Mr. Warfield, dated
March 31, 2003.

Petitioner's Exhibit 4 – A copy of the Form 114 Notice of PTABOA Hearing

Petitioner's Exhibit 5 – A copy of the purchase agreement, dated August 15, 1995
for the subject manufactured home

Petitioner's Exhibit 6 – Book value from the *NADA Appraisal Guide for
Manufactured Housing* (NADA), indicating an average
retail value of \$10,888 for the manufactured home

Petitioner's Exhibit 7 – Memorandum issued by the Department of Local
Government Finance (DLGF) regarding annually assessed
mobile homes, dated January 27, 2003

Petitioner's Exhibit 8 – A copy of the Notice of Assessment of Mobile Home,
Form 2, dated March 1, 2003

For the Respondent:

Respondent's Exhibit 1 – A copy of a letter from Mr. Warfield to Mr. Valentine
dated September 17, 2003, regarding pre-hearing
discovery requirements and a statement that no new
evidence will be brought forth for the Board hearing

Respondent's Exhibit 2 – Copy of the assessor's 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 for standard construction
quality

Respondent's Exhibit 4 – Copy of retail valuation information from the NADA
guide for manufactured homes for deluxe construction
quality

Respondent's Exhibit 5 – Copy of retail valuation information from the NADA
guide for manufacture homes for economy
construction quality

7. Mr. Warfield is the sole party in the appeal to participate in the discovery provisions listed in Ind. Code § 6-1.1-15-4. Prior to the Board's hearing, Mr. Warfield sent a letter to Mr. Valentine (Respondent's Exhibit 1) stating that he had no new evidence or testimony to bring forth at the Board hearing. Mr. Valentine did not participate and was not familiar with the requirements of pre-hearing discovery. Therefore, upon an agreement reached by both parties to the appeal, the discovery provisions listed in Ind. Code § 6-1.1-15-4, which requires parties to file statements of testimonial evidence and lists of witnesses and exhibits prior to the Board's hearing, were waived.

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 in Petition

9. The annually assessed manufactured home is located at 7767 South Lakeside 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 of record is: Personal property: \$26,920.

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.

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Findings and Conclusions

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 the Issue

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

25. The mobile home under review for 2003, is a 1994 Century model singlewide manufactured home and has a True Tax Value of \$26,920.
26. The Petitioner contends that the subject manufactured home's assessment is excessive and incorrect for 2003 based on the actual 1995 purchase price of the home as well as the NADA values.
27. The Respondent agrees that while the subject property was properly priced according to the Department of Local Government Finance's (DLGF) instructions (50 IAC 3.2), the assessed value for the home does seem rather high when compared to its purchase price in 1995.
28. The applicable rules governing this issue are:
Real Property Assessment Manual, Book 1, Chapter 4 – Version A, Mobile and Manufactured Homes (50 IAC 2.3)
Provides the guidelines for establishing the valuation of real property mobile and manufactured homes.

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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.

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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.

50 IAC 2.3, 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 1994 Century model, 16 foot x 80-foot manufactured home annually assessed as personal property for the 2003 assessment year. *Respondent’s Exhibit 2.*
 - b. The manufactured home’s value is excessive and the amount of depreciation attributed to the home is insufficient. *Warfield testimony.*
 - c. The manufactured home’s 2003 annual assessed value had increased over five (5) times since the prior year’s assessment. The NADA guide offered better evidence of value. *Warfield testimony and Petitioner’s Exhibit 2 & 8.*

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- d. According to the Respondent, the values of mobile homes were determined by the State and that NADA values are only used for trade-in values if one were to upgrade to a new unit. *Warfield testimony and Petitioner's Exhibit 3.*
- e. At the Board hearing, the Petitioner submitted evidence of the subject manufactured home's purchase price in 1995, as well as, a copy of a 2003 NADA valuation. *Petitioner's Exhibit 5 & 6.*
- f. When priced according to the 50 IAC 3.2 guidelines, the home is valued higher (\$35,900) before the physical depreciation is applied, than its actual purchase price in 1995 of \$31,525. *Warfield testimony; Petitioner's Exhibit 5; and Respondent's Exhibit 2.*
- g. Further, the subject property's depreciated assessment of \$26,920 only shows a total accrued depreciation of \$4,600 based on the home's 1995 purchase price of \$31,525. *Warfield testimony and Petitioner's Exhibit 5.*
- h. An NADA valuation form dated March 12, 2003, indicates an average retail value of \$10,888 for the subject manufactured home. *Warfield testimony and Petitioner's Exhibit 6.*
- i. The NADA value submitted is based on an economy quality 16 feet x 80 foot 1994 Century model manufactured home. *Petitioner's Exhibit 6.*
- j. There is a great degree of disparity between the NADA suggested retail price for the subject home at \$10,888, and its Assessed Value of \$26,290. *Warfield testimony and Petitioner's Exhibit 6.*
- k. The January 2003 memorandum issued by the DLGF regarding annually assessed mobile homes states that if there exists a better indication of value for a mobile home than the DLGF guidelines, then the assessor can adjust the value. *Warfield testimony and Petitioner's Exhibit 7.*
- l. The subject manufactured home's value probably falls somewhere between the \$10,888 NADA value submitted and the \$26,920 assessed value recorded by the Green Township Assessor. *Warfield testimony.*
- m. According to the memorandum issued by the DLGF in January of 2003, assessors are instructed to use the 50 IAC 3.2 Real Manual Guidelines and that is how the property was assessed. *Valentine testimony and Respondent's Exhibit 1.*

- n. The DLGF instructed assessors not to use NADA in pricing manufactured homes. Even so, the Respondent developed three (3) NADA estimates for *standard*, *economy*, and *deluxe* quality manufacture homes for the Board hearing. *Valentine testimony and Respondent's Exhibits 3, 4, & 5.*
- o. The *economy* model NADA retail price doesn't represent the proper construction quality for the manufactured home. *Valentine testimony.*
- p. The appropriate NADA quality to use is *standard* quality for the subject property because it contains such items as a shingled gable roof, bay window, extra windows and vinyl siding not found in an *economy* model submitted by the Petitioner. *Valentine testimony and Respondent's Exhibit 3.*
- q. Though not being familiar with the grades and qualities assigned to mobile homes, the Respondent's choice of a high retail NADA value of \$14,982 for the subject manufactured home is still well below the true tax value applied to the home of \$26,920. *Warfield testimony.*
- r. The subject's mobile home pricing worksheet, as well as all the manufactured homes in the township, were developed utilizing the DLGF guidelines as instructed. However, there is some agreement and empathy with the Petitioner that the nine-year-old mobile home does not appear to have enough depreciation applied to its value. *Valentine testimony and Respondent's Exhibit 2.*

Analysis of the ISSUE

30. The Respondent stated that the subject manufactured home was valued using the cost schedules for annually assessed mobile homes as instructed by the DLGF in 50 IAC 3.2. The assessment worksheet (Respondent's Exhibit 2) for the annual assessment shows a base value of \$32,800 plus \$1,100 for air conditioning and \$2,000 for skirting for a total value of \$35,900. The Respondent applied a "good" condition rating to the subject manufactured home, which resulted in the application of twenty five percent (25%) physical depreciation. The total Assessed Value for the manufactured home less depreciation is \$26,925. (The dollar values used by the Respondent for the air

conditioning and skirting were reversed. However, the total Assessed Value was not affected.)

31. The Petitioner makes two (2) arguments in support of his position that the true tax value assigned to the manufactured home is excessive. The Petitioner submitted a copy of retail values from the NADA guide for economy manufactured housing (Petitioner's Exhibit 6), dated March 12, 2003. These values ranged from a "low" of \$7,513 to a "high" of \$11,759 with the "average" being \$10,888 for the subject home. In addition, the Petitioner submitted a copy of the actual purchase agreement (Petitioner's Exhibit 5), dated August 15, 1995 for the subject manufactured home, which shows a purchase price for the 16 foot x 80 foot, one-year-old Century model of \$31,525.
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 as well as 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 (50 IAC 2.3) 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 DLGF 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 Assessment 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 this appeal, the Petitioner’s submission of two (2) estimates of value from the marketplace, one (1) from NADA (Petitioner’s Exhibit 6) and the other, an original purchase agreement (Petitioner’s Exhibit 5), represent 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 submitted by the Petitioner dated August 15, 1995. To repeat, both of the memorandums instruct assessing officials that the national value guides such as the NADA guide, are based on “averages”, and “an appraisal or sale of the mobile home would be better evidence of its value.”
39. Therefore, the value listed on the purchase agreement is considered the best indicator of value for the subject property. However, the subject manufactured home was purchased in 1995 whereas, the cost schedules found in the 2002 Real Property Assessment Manual and Guidelines used to value the subject, reflect costs as of January 1, 1999. Thus, an adjustment is required to make a true comparison between the 1995 Petitioner’s purchase price and the cost schedules in the Manual.

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, page 2, states in part, “Cost ‘new’ refers to the current cost to construct the improvements of a specific date. In the case of the 2002 general reassessment, the assessor will be estimating cost new as of January 1, 1999.” And it further states, “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 that cost to January 1, 1999, using comparative cost multipliers in order to develop cost new.”
42. The cost schedules for manufactured homes authorized by the DLFG, reflect mobile and manufactured home values as of January 1, 1999. Therefore, in order to compare the purchase price for the subject manufactured home in August 1995 to the 1999 values found in the cost schedules, the Board must trend upward the 1995 purchase price to 1999 dollars. This is accomplished by using cost multipliers from the *Marshall & Swift Residential Cost Handbook* (Marshall & Swift) to reflect the 1999 cost in dollars.
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 that provides 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 that which were established for Indiana by Marshall & Swift in January 1999. See Marshall & Swift Residential Cost Handbook, Section F, page F-4, dated January 1999.

44. By using the Marshall & Swift comparative cost multipliers for Indiana and the Petitioner’s purchase agreement for the manufactured home, the sale price can be trended forward in time from August 1995 to reflect January 1, 1999 costs.

45. The Marshall & Swift handbook under Comparative Cost Multipliers By Region (Marshall & Swift, Section F, page F-3) provides a formula to bring an established cost (August 1995 - \$31,525) to a current date (January 1999). By multiplying the sales price by the correct cost multiplier, the cost will be trended forward to reflect costs for the first quarter of January 1999. The Marshall & Swift comparative cost multiplier for the third quarter of 1995 (the subject purchase date) for wood frame properties is 1.099 (7/95).

The calculation is as follows:

Third quarter 1995 multiplier:	1.099
Times 1995 purchase price	<u>x \$31,525</u>
Equals trended value to January 1999:	\$34,646

46. Trending the purchase price forward to 1999 values 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.

47. 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.

48. The Respondent applied a “good” condition rating to the subject manufactured home. The Petitioner did not rebut the Respondent’s claim that the subject manufactured home should be considered in “good” condition or offer any evidence that showed the condition of the manufactured home to be anything other than “good”.

49. Thus, it was determined that for a nine-year old manufactured home in “good” condition, the physical depreciation would be 25%. See Respondent’s Exhibit 2 and the Manufactured Home (Post HUD Code) Depreciation Table.
50. When the physical depreciation is applied to the trended value, the results are as follows: \$34,646 (trended price) x 75% un-depreciated amount = \$25,984, rounded to \$25,980 for assessment purposes.
51. As previously stated, the local officials valued the subject manufactured home at \$26,920. For all the reasons set forth above, the Petitioner met their burden of proof by showing that the current assessment was incorrect. The annually assessed manufactured home should be valued at \$25,980 for the 2003 assessment year. There is a change in the assessment as a result of this issue.

Summary of Final Determination

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

52. The Petitioner met their burden by offering probative evidence of an error in the 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.