

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

Petition: 71-014-22-1-5-00204-25
Petitioner: Daniel Cummings
Respondent: St. Joseph County Assessor
Parcel: 71-16-25-400-007.000-014
Assessment Year: 2022

The Indiana Board of Tax Review issues this determination, finding and concluding as follows:

Procedural History

1. On April 27, 2023, Daniel Cummings filed a Form 130 petition contesting the 2022 assessment of his property located at 71603 Spruce Road in Walkerton. The St. Joseph County Property Tax Assessment Board of Appeals (“PTABOA”) did not issue a decision within 180 days. Consequently, on April 3, 2025, Cummings filed a Form 131 petition directly with us. *See* I.C. § 6-1.1-15-1.2(k) (allowing a taxpayer to appeal to us if more than 180 days have passed since the notice of appeal was filed and the PTABOA has not issued a determination).
2. On August 14, 2025, our designated administrative law judge, Joseph Stanford (“ALJ”), held a telephonic hearing on Cummings’ petition. Neither he nor the Board inspected the property. Cummings represented himself. Frank Agostino appears as counsel for the Assessor. Cummings, County Assessor Michael Castellon, and Jon Snyder, a certified appraiser, testified under oath.

Record

3. The official record for this matter includes the following:

Petitioner Exhibit 2:	Emails from John T. Law of the Department of Infrastructure, Planning and Growth, to Cummings,
Petitioner Exhibit 5:	Soil-type map from Department of Infrastructure, Planning and Growth,
Petitioner Exhibit 6:	<i>Soil Productivity Ranking Factors of Indiana</i> published by Purdue University,
Petitioner Exhibit 7:	Tile watershed boundaries,
Petitioner Exhibit 8:	Wetland boundaries,
Petitioner Exhibit 9.1:	Tree planting and stewardship plan prepared by James Potthoff of the Jasper Pulaski State Tree Nursery.
Respondent Exhibit 1:	Subject’s property record card,
Respondent Exhibit 2:	Form 130 petition,

- Respondent Exhibit 3: Aerial photograph of the subject property,
Respondent Exhibit 4: Department of Local Government Finance PowerPoint slides addressing agricultural land assessments and woodland,
Respondent Exhibit 6: Regression/direct sales comparison analysis.

4. The record also includes: (1) all petitions and other documents filed in this appeal, (2) all notices and orders issued by the Board or the ALJ, and (3) an audio recording of the hearing.

Findings of Fact

A. The Subject Property

5. The subject property is a 19.7-acre lot in the Thistle Hill Farm subdivision of Walkerton. It contains a 2,034-square-foot home with an unfinished basement, as well as a pole barn. *Cummings testimony; Resp't Ex. 1.*
6. As shown by a soil map, the property contains the following soil types and corresponding productivity factors:¹

Soil Type (MU Symbol)	Productivity Ranking Factor
HtbAU	0.50
AbhAU	0.50
PaaAU	0.50
TxuC	0.52
WcnAI	0.69
OlcB	0.83
QujA	1.00
RenA	1.28

The map does not measure the areas corresponding to each soil type, however. There appear to be some trees on the property, but the parties agree that it has less than 50% canopy cover. *Pet'r Exs, 5, 6 at 118-21; see also, Pet'r Ex. 8.*

7. Much of the property is muck and low ground that floods seasonally. John T. Law, a construction supervisor for the Department of Infrastructure, Planning & Growth ("Department of Infrastructure") within the St. Joseph County Surveyor's office, visited the property. He found that various factors, including the seasonal flooding and soil types, make the property impossible to develop. The persistent wet conditions also make farming the land problematic. *Cummings testimony; Pet'r Ex. 2.*
8. The parties offered conflicting testimony about whether any part of the property had been dedicated as wetland. The Assessor testified that the Indiana Department of Natural

¹ The soil types and corresponding productivity factors for St. Joseph County are set forth in *Soil Productivity Ranking Factors of Indiana* published by Purdue University. *Pet'r Ex. 6 at 118-21.*

Resources (“DNR”) had not dedicated the property as wetland. Cummings disagreed and offered aerial maps from the Department of Infrastructure that he described as showing “intrusion” of some “watershed wetland boundaries” onto the subject property. The maps, however, do not label anything as watershed or wetland, much less measure any area of the supposed intrusion. In any case, there is no evidence that the U.S. Department of Agriculture (“USDA”) has designated any part of the property as “farmed wetlands” or “wetlands.” See *Cummings testimony*; *Castellon testimony*; see also *Pet’r Exs. 7-8*.

9. There is likewise no evidence to show that the subject property was enrolled in any program administered by the USDA or any of its agencies or services. Nor is there any evidence that the property was enrolled in the DNR’s classified forest and wildlands program (or any similar or successor program).

B. Cummings’ Use of the Property

10. Cummings bought the property for \$246,000 in 2012. But he believes he paid too much for it, explaining that he did not have soil tests done and did not know it contained low-lying wet areas. There is no evidence to show that the property was farmed or otherwise devoted to agricultural use before Cummings bought it. *Cummings testimony*; *Resp’t Ex. 1*.
11. Cummings uses the subject property as his principle place of residence. *Cummings testimony*.
12. He attempted to grow some undisclosed number of trees and other unspecified plants in the past, but they all failed because of the soil quality. There is no evidence that the trees were hardwood timber or that the other plants were agricultural products. *Cummings testimony*.
13. We find that Cummings did not buy the property with the intent of devoting it to agricultural use. We further find that he did not devote it to agricultural use at any time on or before the January 1, 2022, assessment date.
14. On August 7, 2025, James Potthoff, a district forester with the DNR, prepared a Tree Planting and Stewardship Plan for Cummings. The plan’s objective is “to establish and [sic] stand of high quality hardwood timber.” It recommends planting 6,800 trees of various species that typically grow well in the subject property’s soil types. *Pet’r Ex. 9.1*.

C. The Assessment and Valuation Opinions

15. The Assessor classified one acre of the land as Type 9 (homesite). He classified the rest of the land as Type 91 (residential excess acreage), except 0.4 acres, which he classified as public road and assessed at \$0. The property’s overall assessment rose from \$263,000 in 2021 to \$303,700 in 2022, an increase of 15.5%. *Castellon testimony*; *Resp’t Ex. 1*.

16. The Assessor performed what he referred to as a regression analysis and direct sales comparison. He used six purportedly comparable properties that sold between August 2020 and October 2021 for prices ranging from \$125,000 to \$375,000. He offered information about the following characteristics for each property: its land assessment and land area; the district in which it is located; and the home's age, condition, quality grade, above-ground area, and basement area and finish. *Castellon testimony; Resp't Ex. 6.*
17. He then adjusted the sale prices to account for differences between the comparable properties and the subject property, without explaining the basis for any of those adjustments. Several of the individual adjustments were more than \$70,000. One adjustment—which the Assessor made to account for the size difference between the subject home and a home located at 30777 Tyler Road—was for \$122,250 or 97.8% of the property's unadjusted sale price of \$125,000. But the Assessor did not make any adjustments for differences in land area, even though several of the properties were less than two acres. The adjusted prices ranged from \$217,500 to \$417,000. The Assessor then concluded that the subject property was worth \$305,300, which he appears to have chosen because it is the rounded average of those adjusted prices. *Castellon testimony; Resp't Ex. 6.²*
18. The Assessor also hired Jon Snyder to appraise the subject property. Snyder, who is a certified appraiser, valued the property at \$332,000 as of January 1, 2023. He briefly testified about his valuation opinion, but the Assessor did not offer his appraisal report. Snyder testified that he used the “market approach to value” in which he “sought out some comparable sales similar to the subject property under the definition of market value in the State of Indiana.” He did not say anything else about how he formed his opinion of value other than that he considered the property's size, construction quality, and location, and that his appraisal comported with generally accepted appraisal principles. *Snyder testimony.*
19. As discussed in more detail below, we find neither the Assessor's regression analysis nor Snyder's cursory testimony about his valuation opinion to be reliable evidence of the subject property's true tax value as of the relevant January 1, 2022, valuation date. Without any explanation or data to support the substantial adjustments to his comparable properties' sale prices, we do not credit the Assessor's bald assertion that he complied with generally accepted appraisal principles. As for Snyder's opinion, his testimony was conclusory, and he did not explain how his opinion related to the property's value as of the relevant valuation date.

² The Assessor also offered a second analysis using mostly different properties than the first analysis. The second analysis had an indicated value for the subject property of \$241,800. The Assessor, however, did not discuss the second analysis. *Resp't Ex. 6.*

Parties' Contentions

A. Cummings' Contentions

20. Cummings claimed that he and the Assessor had agreed on the improvements' value at a December hearing, but he did not offer a written agreement or even say what the agreed value was. He argued that the land was assessed too high because the soil is unsuitable for either agricultural use or general enjoyment. He believes it is "fallow farmland" because he attempted to farm the land and could not.
21. Cummings did not request a specific value because he thought the evidence presented at the hearing would resolve that question.

B. The Assessor's Contentions

22. The Assessor argued that the assessment is reasonable and should be maintained. While the Assessor acknowledged that Snyder's opinion of \$332,000 is for a year after the assessment date, his opinion is higher than the 2022 assessment.
23. In any case, if we find that neither the Assessor's regression analysis nor Snyder's valuation opinion are probative of the 2022 assessment, the Assessor argues that Cummings did not offer any evidence to support reducing the assessment below its 2021 level.

Conclusions of Law

A. The Assessor had the burden of proof.

24. Generally, a taxpayer has the burden of proof when challenging a property's tax assessment. Accordingly, the assessment on appeal, "as last determined by an assessing official or the county board," will be presumed to equal "the property's true tax value." I.C. § 6-1.1-15-20(a) (effective March 21, 2022).
25. However, the burden of proof shifts if the property's assessment "increased more than five percent (5%) over the property's assessment for the prior tax year." I.C. § 6-1.1-15-20(b). Subject to certain exceptions, the assessment "is no longer presumed to be equal to the property's true tax value, and the assessing official has the burden of proof." *Id.* If the burden has shifted, and "the totality of the evidence presented to the Indiana board is insufficient to determine the property's true tax value," then the "property's prior year assessment is presumed to be equal to the property's true tax value." I.C. § 6-1.1-15-20(f).
26. As we previously discussed, the assessment increased by 15% between 2021 and 2022. The Assessor therefore had the burden of proof.

B. Because the totality of the evidence does not suffice to show the subject property's true tax value, we must presume its value equals the prior year's assessment.

27. We are the trier of fact in property tax appeals, and our charge is to “weigh the evidence and decide the true tax value of the property as compelled by the totality of the probative evidence” before us. I.C. § 6-1.1-15-20(f). Our conclusion “may be higher or lower than the assessment or the value proposed by a party or witness.” *Id.* Regardless of which party has the initial burden of proof, either party “may present evidence of the true tax value of the property, seeking to decrease or increase the assessment.” I.C. § 6-1.1-15-20(e).
28. True tax value does not mean “fair market value” or “the value of the property to the user.” I.C. § 6-1.1-31-6(c), (e). Instead, it is determined under the rules of the Department of Local Government Finance (“DLGF”). I.C. § 6-1.1-31-5(a); I.C. § 6-1.1-31-6(f). For property other than agricultural land, the DLGF defines true tax value as “market value-in-use,” which it in turn defines as “[t]he market value-in-use of a property for its current use, as reflected by the utility received by the owner or by a similar user, from the property.” 2021 REAL PROPERTY ASSESSMENT MANUAL 2. For those property types, neither the taxpayer nor the assessor may rely on the mass appraisal “methodology” of the “assessment regulations.” *P/A Builders & Developers, LLC v. Jennings Cty. Ass'r*, 842 N.E.2d 899, 900 (Ind. Tax Ct. 2006). They instead “must present objectively verifiable, market-based evidence” of the property’s value. *Piotrowski v. Shelby Cty. Ass'r*, 177 N.E.3d 127, 132 (Ind. Tax Ct. 2021) (citing *Eckerling v. Wayne Twp. Ass'r*, 841 N.E.2d 674, 677-78 (Ind. Tax Ct. 2006)). This is because the “formalistic application” of the procedures and schedules from the DLGF’s assessment guidelines lacks the market-based evidence necessary to establish a specific property’s market value-in-use. *Piotrowski*, 177 N.E.3d at 133.
29. Market-based evidence may include “sales data, appraisals, or other information compiled in accordance with generally accepted appraisal principles.” *Peters v. Garoffolo*, 32 N.E.3d 847, 849 (Ind. Tax Ct. 2015). Relevant assessments are also admissible, but arguments that “another property is ‘similar’ or ‘comparable’ simply because it is on the same street are nothing more than conclusions ... [and] do not constitute probative evidence.” *Marinov v. Tippecanoe Cty. Ass'r*, 119 N.E.3d 1152, 1156 (Ind. Tax Ct. 2019). Finally, the evidence must reliably indicate the property’s value as of the valuation date. *O'Donnell v. Dep't of Local Gov't. Fin.*, 854 N.E.2d 90, 95 (Ind. Tax Ct. 2006). For 2022 assessments, the valuation date was January 1, 2022. I.C. § 6-1.1-2-1.5(a).
30. For land devoted to agricultural use, true tax value must be determined in accordance with the DLGF’s Guidelines and I.C. § 6-1.1-4-13. MANUAL at 2. The Guidelines classify agricultural land types. For most of those classifications, the land must be assessed using a statewide base rate for each year, which assessors then adjust based on soil productivity. *See* 2021 REAL PROPERTY ASSESSMENT GUIDELINES, ch. 2 at 77-78. Depending on the type of agricultural land at issue, Assessors must also apply influence factors in predetermined amounts.

31. In appeals of some agricultural properties, the parties are faced with a hybrid regime for proving true tax value. Land devoted to agricultural use must be valued using the soil-productivity method, and the parties' evidence must conform to the Guidelines. But for improvements, including homes, the parties must offer market-based evidence to establish market value-in-use. That is also true for land used as an agricultural homesite (Type 9), which the Guidelines define as one acre per dwelling on agricultural land, and "agricultural excess acres" (Type 92), which consists of land that "is presently dedicated to a non-agricultural use normally associated with the homesite." GUIDELINES AT 90. Those two nominally agricultural land types are valued in the same way as residential land instead of through the soil productivity method. *See id.* at 5-13, 90 (explaining that agricultural homesites and agricultural excess acreage are not valued using the soil-productivity method but are instead valued using base rates established through sales data).
32. Given Cummings' evidence about soil types and productivity factors and his claim that the subject land should be assessed as "fallow farmland," we begin with the question of whether any part of the subject property qualifies as agricultural land. Our answer to that question will determine what types of evidence are relevant for determining the property's true tax value.
33. We find that none of the subject land qualified as agricultural on the assessment date at issue. Indiana Code § 6-1.1-4-13(a) provides that "[l]and shall be assessed as agricultural land only when it is devoted to agricultural use." The statute further provides that land is considered devoted to agricultural use if it is (1) enrolled in one of several programs administered by the USDA or certain of its agencies or services, (2) land enrolled in the DNR's classified forest and wildlands program (or any similar or successor program), (3) classified in the category of "other agricultural use" under the DLGF's Guidelines, or (4) devoted to harvesting hardwood timber. I.C. § 6-1.1-4-13(b). Although the Guidelines do not have a classification of "other agricultural use," they classify three "other farmland use types" under "Type 7 Other Farmland": land used for farm buildings and barn lots (Type 71), land covered by a farm pond or running water (Type 72), and 2.5 or more contiguous acres of land designated by the USDA as wetlands (Type 73). GUIDELINES, ch. 2 at 89.
34. The statute also offers other non-exclusive examples of agricultural use. Among those are "land that lays fallow[.]" land use to produce crops, including timber and trees, and land used as native timber land. I.C. § 6-1.1-4-13(b).
35. Cummings used the property as his primary place of residence. There is nothing to show that the property was used for agricultural purposes before he bought it. Similarly, there is nothing to indicate the property was enrolled in any program administered by the USDA or the DNR. And despite Cummings' claim "watershed wetlands boundaries" intrude onto the property, there is no evidence that the USDA has designated any of the property as wetlands, much less that the property contains 2.5 contiguous acres of designated wetlands.

36. Although Cummings claimed that he intended to “farm” the land and that he unsuccessfully tried to plant some unspecified number of trees or other plants on the property, there is insufficient evidence to show that his efforts reflected an agricultural rather than a residential purpose. The Tree Planting and Stewardship Plan, which might indicate an intent to grow and harvest timber going forward, was not prepared until more than three years after the assessment date and does not establish an agricultural use for the relevant tax year.
37. Finally, we give no weight to Cummings’ characterization of the property as “fallow farmland.” While I.C. § 6-1.1-4-13(b) includes “land that lays fallow” as an example of agricultural land, neither I.C. § 6-1.1 nor any other article of the Indiana Code defines the word “fallow” or the term “land that lays fallow.” But general language dictionaries provide some guidance. When used as an adjective, Merriam-Webster defines “fallow” as follows: “1: left untilled or unsown after plowing 2: **dormant, inactive** —used especially in the phrase *to lie fallow*.” “Fallow” Meriam-Webster.com (2025) <https://www.merriam-webster.com/dictionary/fallow> (last visited November 4, 2025) (emphasis in original).
38. Those definitions imply that for land to lie fallow, it must previously have been cultivated. Indeed, that is how the DLGF refers to fallow land in the Guidelines. *See* GUIDELINES, ch. 2 at 79.³ Here, by contrast, there is no evidence that, as of the assessment date, the subject property had ever been cultivated or otherwise used for agricultural purposes.
39. Because the record before us does not establish that the subject property was devoted to agricultural use on or before the assessment date, the parties needed to offer market-based evidence of its value rather than apply the soil-productivity method from the Guidelines or a hybrid approach.
40. The Assessor, who had the burden of proof, offered two valuation opinions: his own sales-comparison analysis and Snyder’s opinion. We start with the Assessor’s analysis. Under the sales-comparison approach, “an opinion of market value is developed by comparing properties similar to the subject property that have recently sold, are listed for sale, or are under contract” THE APPRAISAL INSTITUTE, THE APPRAISAL OF REAL ESTATE 351 (15th ed. 2020). The approach is premised on the notion that an opinion of market value can be supported by studying the market’s reaction to comparable and competitive properties. *Id.* Appraisers applying the approach examine market evidence using “paired data analysis, trend analysis, statistics, and other recognized and accepted techniques to identify which elements of comparison within the data set of comparable sales are responsible for value differences.” *Id.* They then use qualitative and

³ As an example of a parcel that should be classified as agricultural, the Guidelines posit a 40-acre parcel that was once a small farm but that has since become a mixture of small, scattered trees and brush with less than 50% canopy cover. In concluding that the property should be classified as agricultural, the DLGF explains that “the land is currently uncultivated or fallow, but has not changed use nor been re-zoned.” GUIDELINES, ch. 2 at 79.

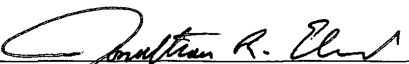
quantitative techniques to adjust for any differences in relevant elements of comparison that affect the comparable properties' sale prices. *Id.* at 361-65, 372-96.

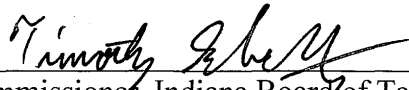
41. The Assessor offered some data to compare the subject property to six purportedly comparable properties from his analysis. And he adjusted the sale prices to account for various ways in which the properties differed. But he did not attempt to explain how he arrived at his substantial adjustments. Although the Assessor used the term "regression" in describing his analysis, he did not offer anything to suggest that he quantified his adjustments based on a statistical analysis. Under those circumstances, the Assessor has not shown that he based his adjustments on reliable market data or that he complied with generally accepted appraisal principles.
42. Snyder's valuation opinion fares no better. He offered almost no information about the data on which he based his opinion or how he analyzed that data. Without those things, we cannot evaluate the reliability of his opinion. And he did not explain how his opinion of the property's value for January 1, 2023, related to the property's value as of the relevant January 1, 2022, valuation date. Under those circumstances, we find Snyder's testimony insufficiently reliable to show the subject property's true tax value as of January 1, 2022.
43. Cummings likewise failed to offer any market-based evidence to reliably establish the property's true tax value. He showed that much of the land is unsuitable for development or farming. While that evidence is relevant, it does not suffice to establish the property's value. Indeed, Cummings did not offer any opinion as to the property's value.
44. Cummings did offer evidence showing the various soil types and accompanying productivity factors for the subject land. Were we to conclude that the property should be classified as agricultural, that evidence would at least be relevant. Even then, it would not be enough because Cummings' aerial maps do not show the total area for each soil type and accompanying productivity factor. More importantly, Cummings did not offer any market-based evidence from which to determine the market value-in-use of the homesite and improvements. I.C. § 6-1.1-15-20 does not provide a mechanism for a partial reversion. Because the totality of the evidence in this case is insufficient to establish the value for the entire property, I.C. § 6-1.1-15-20(f) compels us to order the assessment changed to the prior year's value of \$263,000.

Conclusion

45. Neither party offered evidence that was sufficient to reliably establish the subject property's true tax value as of January 1, 2022. In accordance with Ind. Code § 6-1.1-15-20(f), we therefore order that the 2022 assessment be reduced to the 2021 level of \$263,000.

Date: NOVEMBER 12, 2025


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 after 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>>.