REPRESENTATIVE FOR THE PETITIONER: Charles Florance, *Pro Se*

REPRESENTATIVE FOR THE RESPONDENT: Frank Agostino, Agostino & Associates

BEFORE THE
INDIANA BOARD OF TAX REVIEW

Charles and Katarina Florance,	)	Petition No.: 71-026-23-1-5-01135-24
	)	71-026-24-1-5-01136-24
Petitioner,	)	
	)	Parcel No.: 71-09-08-356-001.000-026
v.	)	
	)	County: St. Joseph
St. Joseph County Assessor,	)	
	)	Assessment Years: 2023 and 2024
Respondent.	)	

Sept. 02, **2025**

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:

INTRODUCTION

1. Charles and Katarina Florance (the "Florances") appealed the 2023 and 2024 assessments of their residential property in Sullivan County. The Assessor had the burden of proof and presented a sales-comparison analysis and an appraisal. But both opinions had significant flaws that entirely undermined their reliability. The Florances likewise failed to present reliable evidence of value. Thus, because the totality of the evidence was insufficient to support any value, both assessments revert to the 2022 assessment value of $101,000 pursuant to Indiana Code § 6-1.1-15-20.

PROCEDURAL HISTORY

2. On June 8, 2023, the Florances filed a Form 130 appeal challenging the 2023 assessment of their property located at 802 South Ironwood Drive in South Bend. On May 1, 2024,

the Florances filed a Form 130 appeal for the 2024 assessment year.

3. On December 16, 2024, the Florances appealed both assessment years directly to the Board on the grounds that the St. Joseph County Property Tax Assessment Board of Appeals ("PTABOA") had not issued decisions within 180 days of their Form 130 filings.

4. On February 4, 2025, after the Florances had already appealed to the Board, the PTABOA issued decisions for each assessment year, affirming the 2023 assessment at $122,500 and reducing the 2024 assessment to $173,000.

5. Because the PTABOA had no authority to issue decisions after these cases had been appealed to the Board, we find the assessments of record to be the original assessments under appeal: $122,500 for 2023 and $185,900 for 2024.

6. On June 3, 2025, our designated administrative law judge ("ALJ"), Natasha Marie Ivancevich, held an in-person hearing on the Florances' petitions. Neither she nor the Board inspected the subject property.

7. Charles Florance, HVAC Technician Dakota Fig, Deputy Assessor Dalton Dlouhy, and Chief Deputy Assessor Alta Neri were sworn and testified under oath.

8. Florance offered the following exhibits:

Petitioners' Ex. 2:	NIPSCO Rate Comparison
Petitioners' Ex. 3:	Tyler's Plumbing, Heating, & Cooling Estimate
Petitioners' Ex. 5:	753 S. Ironwood property record card
Petitioners' Rebuttal Ex. C:	3623 Rexford property record card[1]

9. The Assessor offered the following exhibits:

Respondent's Ex. A-1:	Subject Property Record Card
Respondent's Ex. A-2:	Appraisal Report dated January 1, 2024

[1] Mr. Florance also referred to this same document as Petitioners' Ex. D. The exhibit is labeled as both Exhibit C and D, but only a single document was submitted

10. The record also includes the following: (1) all pleadings, briefs, and documents filed in these appeals, (2) all orders, and notices issued by the Board or ALJ; and (3) an audio recording of the hearing.

OBJECTIONS

11. The Assessor objected to all of the Florances' exhibits on the grounds that the exhibit list was exchanged 12 business days before the hearing instead of 15 business days before the hearing. Our procedural rules require parties to provide a list of witnesses and exhibits to be introduced at the hearing at least 15 business days before the hearing. 52 IAC 4-8-1(b)(2). They also provide that failure to timely exchange the exhibit list may serve as grounds to exclude the exhibits. Here, the Florances provided the exhibit list 12 business days before the hearing. In addition, the Florances timely exchanged the exhibits themselves and the Assessor did not ask for a continuance. Under these circumstances, we do not find the exclusion of the exhibits warranted. Thus, we overrule the objections.

12. The Assessor objected to Petitioners' Ex. 2, the NIPSCO Rate Comparison, on the grounds that it was not relevant. We find the exhibit meets the minimal standard for relevance. Thus, we overrule the objection and admit the exhibit.

13. The Assessor objected to Petitioners' Ex. 5, a property record card, for failing to lay a foundation. It is unclear whether the Assessor was referring to a foundation for the exhibit's authenticity, its relevance, or for some other factor. We find the Florances laid sufficient foundation as to the document's authenticity and that the exhibit meets the minimal standard for relevance. To the extent the Assessor was attempting to make some other objection, those arguments are waived for lack of explanation or citation to relevant authority. Thus, we overrule the objection and admit the exhibit.

14. The Assessor objected to Petitioner's Rebuttal Ex. C, a property record card, again for failure to lay a foundation, and on the grounds that it was not properly offered as a rebuttal exhibit. As with the previous objection, we find the Florances established the exhibit's authenticity and relevance and find the Assessor waived any other arguments. As to the second objection, although the exhibit was labeled a rebuttal exhibit, it appears

that it was timely exchanged. Thus, it is unclear on what grounds the Assessor was seeking to exclude the exhibit. For these reasons, we overrule the objections and admit the exhibit.

15. The Assessor objected to some testimony from Dakota Fig, an HVAC technician, regarding whether an adjustment in the Snyder appraisal for lack of air conditioning seemed correct on the grounds that Mr. Fig was not an expert in real estate appraisal. We sustain the objection to the limited extent Mr. Fig was testifying regarding the specific adjustments in the Snyder appraisal. This ruling does not exclude Mr. Fig's testimony regarding the cost of adding air conditioning to the subject property.

16. Finally, the Assessor objected to some questions during the cross-examination of Alta Neri on the grounds that they were outside the scope of the direct examination. We find the questions were within the scope of the direct examination and overrule the objections.

FINDINGS OF FACT

A. Subject Property

17. The subject property consists of a 104-year-old, 1,896 sq. ft. home situated on a 0.13-acre lot. It has four bedrooms, one bathroom, a one-car attached garage, and a two-car detached garage. The home is heated by a hydronic boiler. It does not have air conditioning or ductwork. Due to the lack of ductwork, the cost to add air conditioning to the subject property would be $21,509.21 as of May 20, 2025. *Florance testimony; Fig testimony; Resp't Ex. A-1, A-2; Pet'r Ex. 3.*

18. The subject property's 2023 assessment of $122,500 is an approximately 21% increase over the prior year's assessment of $101,000. *Resp't Ex. A-1.*

B. Dlouhy Analysis

19. Deputy Assessor Dalton Dlouhy discussed a sales-comparison analysis that he performed for the subject property. Dlouhy holds a Level 3 Assessor-Appraiser certification. Dlouhy looked at six sales of properties he considered comparable based on their sale date, age, size, and proximity to the subject property. He did not testify as to a specific

valuation date for his opinion, but stated it was relevant for 2023. Dlouhy concluded to a value of $169,700. Dlouhy also testified that he believed the subject property's value for 2023 was consistent with its $122,500 assessment. No supporting data for Dlouhy's analysis was offered into evidence. *Dlouhy testimony.*

20. We do not find Dlouhy's opinion to be reliable evidence of the subject property's value for either valuation date because he provided only cursory justifications for the comparability of the subject property and the sold properties. In addition, he only purported to consider a limited number of potential differences. In order for his analysis to be reliable, Dlouhy needed to use market-based evidence and generally accepted appraisal techniques to account for all relevant differences between the purportedly comparable properties and the subject property. But he did not present such an analysis. Finally, the lack of supporting data for Dlouhy's analysis renders his opinion conclusory at best.

C. Snyder Appraisal

21. The Assessor presented an appraisal report prepared by Jon M. Snyder, an Indiana Residential Real Estate Appraiser. He developed an opinion of the market value-in-use of the subject property's fee simple interest as of January 1, 2024. He certified that his appraisal complies with the Uniform Standard of Professional Appraisal Practice ("USPAP"). Snyder performed only an exterior inspection. To arrive at his opinion of value, Snyder developed a sales-comparison approach using four comparable properties that sold in 2023. He rated the subject property as having gas forced air, but no air conditioning. He adjusted the comparables for characteristics such as room count, gross living area, garage/carport size, basement, and condition. He also made a negative $2,500 adjustment to each comparable to account for the subject property's lack of air conditioning. After adjustment, the comparable sale prices ranged from $160,206 to $192,844, which he reconciled to a concluded value of $173,000. *Resp't Ex. A-2.*

22. We do not find the Snyder appraisal to be a reliable estimate of value because Snyder erroneously treated the subject property as having gas forced air instead of hydronic

boiler heat despite the property record card showing the heat type as "Hot Water or Steam." In addition, there is no indication that Snyder accounted for the subject property's lack of ductwork. An interior inspection would have revealed this factor, but Snyder did not perform one. In addition, he failed to provide any justification for his quantification of the adjustments for the subject property's lack of air conditioning. Given the subject property's unique characteristics of boiler heat and no ductwork, Snyder should have explained how he concluded $2,500 adjustments to the purportedly comparable properties for the subject property's lack of air conditioning were appropriate. For these reasons, we do not find Snyder's appraisal to be reliable under our preponderance of the evidence standard.

BURDEN OF PROOF

23. Generally, the taxpayer has the burden of proof when challenging a property 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).

24. 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.*

25. 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. Here, the subject property's 2023 assessment increased more than 5% above the prior year's assessment. Thus, the Assessor bears the burden of proof for that year. The burden for the 2024 assessment year necessarily depends on our determination for 2023. As discussed below, based on our result for 2023 the Assessor also bears the burden of proof for 2024.

ANALYSIS

27. The Indiana Board of Tax Review is the trier of fact in property tax appeals, and its 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 it." I.C. § 6-1.1-15-20(f). The Board's conclusion of a property's true tax value "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, true tax value is found 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). 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 at 2.

29. In order to meet its burden of proof, a party "must present objectively verifiable, market-based evidence" of the value of the property. *Piotrowski v. Shelby Cnty. Assessor,* 177 N.E.3d 127, 132 (Ind. Tax Ct. 2021) (*citing Eckerling v. Wayne Twp. Assessor,* 841 N.E.2d 674, 677-78 (Ind. Tax Ct. 2006)). For most real 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 County Assessor,* 842 N.E.2d 899, 900 (Ind. Tax Ct. 2006). This is because the "formalistic application of the Guidelines' procedures and schedules" lacks the market-based evidence necessary to establish the market value-in-use of a specific property. *Piotrowski,* 177 N.E.3d at 133.

30. 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 Cnty. Assessor,* 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. Dept. of Local Gov't Fin.,* 854 N.E.2d 90, 95 (Ind. Tax Ct. 2006).

31. For the 2023 assessment year, the Assessor had the burden of proof and argued the assessment should stand at $122,500. In support of this, the Assessor pointed to Dlouhy's analysis and the Snyder appraisal. As discussed above, neither evidence was reliable. Dlouhy failed to show that he considered all the relevant differences between the purportedly comparable properties and the subject property, nor did he show that he adjusted for those differences using generally accepted appraisal principles. In addition, the Assessor did not offer any supporting data beyond Dlouhy's brief testimony regarding his methods and conclusions. Thus, Dlouhy's opinion is conclusory at best. Snyder's appraisal is similarly unreliable. As the Florances point out, Snyder erroneously treated the subject property as having gas forced air instead of hydronic boiler heat. This error was compounded by the need to adjust all the comparables for the subject property's lack of air conditioning, apparently without considering the subject property's lack of ductwork. For these reasons, the Snyder appraisal is unreliable. Thus, the Assessor failed to meet his burden of proof for the 2023 assessment year.

32. We now turn to the Florances' evidence. They primarily pointed to one property they argued was most comparable to the subject property. But a party offering sales or assessment data must use generally accepted appraisal or assessment practices to show that the purportedly comparable properties are comparable to the property under appeal. *Long v. Wayne Township Ass'r*, 821 N/E/2d 466, 471 (Ind. Tax Ct. 2005). Conclusory statements that properties are "similar" or "comparable" do not suffice. Instead, parties must explain how the properties compare to each other in terms of characteristics that affect market value-in-use. *Id.* They must similarly explain how relevant differences affect values. *Id.* Here, the Florances did not offer the type of analysis contemplated by *Long*. Importantly, they did not provide reliable evidence quantifying the effect of the

differences between the purportedly comparable property and the subject had on their respective values. Without such analysis, this evidence is insufficient to support any reduction in the assessment.

33. The Florances also argued that assessments in their neighborhood were not uniform, and specifically that the coefficient of dispersion for Portage Township is .23 and in violation of the DLGF manual. It appears the Florances were referring to the ratio study for St. Joseph County. But they did not submit that ratio study into evidence. Nor did they submit any other supporting data regarding this claim.

34. As the Tax Court has explained, "when a taxpayer challenges the uniformity and equality of his or her assessment one approach that he or she may adopt involves the presentation of assessment ratio studies, which compare the assessed values of properties within an assessing jurisdiction with objectively verifiable data, such as sales prices or market value-in-use appraisals." *Westfield Golf Practice Center v. Washington Twp. Ass'r*, 859 N.E.2d 396, 399 n.3 (Ind. Tax Ct. 2007) (emphasis in original). Such studies, however, should be prepared according to professionally acceptable standards. *Kemp v. State Bd. of Tax Comm'rs*, 743 N.E.2d 810, 813 (Ind. Tax Ct. 2000). They should also be based on a statistically reliable sample of properties that actually sold. *Bishop v. State Bd. of Tax Comm'rs*, 743 N.E.2d 810, 813 (Ind. Tax Ct. 2001) (*citing Southern Bell Tel. and Tel. Co. v. Markham*, 632 So.2d 272, 276 (Fla. Dist. Co. App. 1994).

35. When a ratio study shows that a given property is assessed above the common level of assessment, the property's owner may be entitled to an equalization adjustment. *See Dep't of Local Gov't Fin. v. Commonwealth Edison Co.*, 820 N.E.2d 1222, 1227 (Ind. 2005) (holding that the taxpayer was entitled to seek an adjustment on grounds that its property taxes were higher than they would have been if other property in Lake County had been properly assessed). The equalization process adjusts the property assessments so "they bear the same relationship of assessed value to market value as other properties within that jurisdiction." *Thorness v. Porter County Assessor*, 3 N.E.3d 49, 52 (Ind. Tax Ct. 2014) (citing *GTE N. Inc. v. State Bd. of Tax Comm'rs.*, 634 N.E.2d 882, 886 (Ind.

Tax Ct. 1994)). Article 10, Section 1(a) of Indiana's Constitution, however, does not guarantee "absolute and precise exactitude as to the uniformity and equality of each individual assessment." *State Bd. of Tax Comm'rs v. Town of St. John*, 702 N.E.2d 1034, 1040 (Ind. 1998).

36. In this case, the Florances did not even present the ratio study they were referring to. Statements that are unsupported by probative evidence are conclusory and of no value to the Board in making its determination. *Whitley Products, Inc. v. State Bd. of Tax Comm'rs*, 704 N.E.2d 1113, 1118 (Ind. Tax Ct. 1998). Without such evidence, we are unable to consider the validity of their claim. Thus, the Florances have failed to make a case based on the uniformity or equality of the assessment.

37. Neither party presented any reliable evidence for the value of the subject property for the 2023 assessment year. Because the totality of the evidence is insufficient to support any value, the prior year's assessment of $101,000 is presumed correct.

38. For the 2024 assessment year, the assessment under appeal of $185,900 is more than 5% above the prior year's assessment as we just determined it at $101,000. Thus, the Assessor has the burden of proof and the assessment will revert if the totality of the evidence is insufficient to prove any value. I.C. § 6-1.1-15-20(f). We apply the same reasoning, and reach the same conclusion, as we did for 2023. Because the totality of the evidence is insufficient to support any value, the prior year's assessment of $101,000 is presumed correct.

CONCLUSION

39. The burden shifting provisions of I.C. § 6-1.1-15-20(f) were triggered for both years under appeal. For each year, the totality of the evidence was insufficient to support any value and the prior year's assessment is presumed correct. Thus, we order the 2023 and 2024 assessments reduced to the 2022 assessed value of $101,000.

The Final Determination of the above captioned matter is issued by the Indiana Board of Tax Review on the date 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>.