

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

Petition: 45-004-17-1-5-00306-20
Petitioner: Gold Coast Rand Development Corp.
Respondent: Lake County Assessor
Parcel: 45-08-15-352-003.000-004
Assessment Year: 2017

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

Procedural History

1. Gold Coast Rand Development Corp. contested the 2017 assessment of its property located at 2717-19 Connecticut Street in Gary. The Lake County Property Tax Assessment Board of Appeals (“PTABOA”) issued a Form 115 determination valuing the vacant lot at \$3,200.
2. Gold Coast then filed a Form 131 petition with the Board and elected to proceed under our small claims procedures. On February 28, 2022, our designated administrative law judge, Joseph Stanford (“ALJ”), held a telephonic hearing on Gold Coast’s petition. Neither he nor the Board inspected the property.
3. Gold Coast’s president, Andy Young, appeared for Gold Coast. The Lake County Assessor’s hearing officer, Robert Metz, appeared for the Assessor. Both testified under oath.

Record

4. The official record for this matter 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.
5. Neither party offered any exhibits.

Contentions

A. Gold Coast’s Contentions

6. Gold Coast argues that the subject property was assessed for more than its market value. According to Gold Coast, the Assessor failed to consider that the property is 50% wetlands and has no street access. It is assessed for almost twice as much as a corner lot just a couple of hundred feet away. Lots across the street that are not wetlands and that have street frontage are assessed for only \$700. And the subject property’s assessment

has wildly fluctuated between \$400 and \$3,400 since 2005. *Young argument and testimony.*

7. According to Gold Coast, the Calumet Township Assessor's work is "shoddy" and does not comply with Indiana assessment regulations and statutes. The GIS map that Calumet Township uses is old, tattered, and contains obsolete base rates. The neighborhood boundaries and most of the 92 neighborhood base rates have not changed since the 1980s, which Gold Coast asserts violates state law. *Young testimony and argument.*
8. Gold Coast further claims that the Calumet Township Assessor did not use enough sales of representative parcels in setting base rates for the township's neighborhoods. And the variance in base rates between similar neighborhoods exceeds the 20% allowable maximum. For example, the subject property's base rate is \$169 per front foot, while properties in a nearly identical neighborhood across the street have base rates of only \$74 per front foot. *Young testimony and argument.*
9. Finally, Gold Coast contends that local officials do not comply with Ind. Code § 6-1.1-4-13.6, which requires the Assessor to determine the value of all classes of land and to submit those values to the PTABOA. Instead, the Calumet Township Assessor submits values to the Assessor, who merely passes them along to the PTABOA. Gold Coast believes that we should make local officials comply with Indiana laws and assessment regulations. *Young testimony and argument.*

B. The Assessor's Contentions

10. The Assessor argues that Gold Coast did not provide any evidence to support a different assessment and therefore failed to meet its burden of proof. *Metz argument.*

Analysis

11. Generally, an assessment determined by an assessing official is presumed to be correct. 2021 REAL PROPERTY ASSESSMENT MANUAL at 3. The petitioner has the burden of proving the assessment is incorrect and what the correct assessment should be. *Piotrowski v. Shelby Cty. Ass'r*, 177 N.E.3d 127, 131-32 (Ind. Tax Ct. 2022).¹
12. Gold Coast did not meet its burden of proof. The goal of Indiana's real property assessment system is to arrive at an assessment reflecting a property's true tax value. 50 IAC 2.4-1-1(c); MANUAL at 2. 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). 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

¹ At the time of the hearing, Ind. Code § 6-1.1-15-17.2 identified certain circumstances where an assessor had the burden of proving that an assessment was correct, including where it represented an increase of more than 5% over the previous year's assessment. I.C. § 6-1.1-15-17.2 (repealed by P.L. 174-2022 § 32 (effective on passage)). Young indicated the Gold Coast did not intend to argue that the Assessor had the burden of proof.

reflected by the utility received by the owner or by a similar user, from the property.”
MANUAL at 2.²


13. Evidence in an assessment appeal should be consistent with that standard. For example, a market-value-in-use appraisal prepared in accordance with the Uniform Standards of Professional Appraisal Practice often will be probative. *See id.*; *see also, Kooshtard Property VI, LLC v. White River Twp. Ass’r*, 836 N.E.2d 501, 506 n.6 (Ind. Tax Ct. 2005). A party may also offer actual construction costs, sales information for the property under appeal or comparable properties, and any other information compiled according to generally accepted appraisal principles. *See Eckerling v. Wayne Twp. Ass’r*, 841 N.E.2d 674, 678 (Ind. Tax Ct. 2006). Simply attacking the methodology used to determine an assessment, however, does not suffice; instead, a party must offer market-based evidence to show that the property’s assessed value does not reflect its market value-in-use. *Piotrowski*, 177 N.E.3d at 132.
14. Gold Coast contends that we should reduce the subject property’s 2017 assessment. Although Gold Coast did not specify a value at the hearing, it requested a \$600 assessment on its Form 131 petition. But it did not offer any market-based evidence to show the property’s market value-in-use. While Gold Coast identified two characteristics—the presence of wetlands on half the property and the lack of street access—that might affect the property’s value, it offered nothing to quantify that effect. And Young’s generalized statements that similar properties were assessed for less than the subject property fall well short of the type of comparison needed to carry probative weight. *See Long v. Wayne Twp. Ass’r*, 821 N.E.2d 866, 470-71 (Ind. Tax Ct. 2005) (holding that taxpayers’ comparative sales data lacked probative value where they failed to compare relevant characteristics or explain how differences affected value). The rest of Gold Coast’s evidence and arguments merely address the methodology used to determine assessments.
15. Finally, we give no weight to the fact that the property’s assessment fluctuated between 2005 and 2017. As the Tax Court has explained, “each tax year—and each appeal process—stands alone.” *Fisher v. Carroll Cty. Ass’r*, 74 N.E.3d 582, 588 (Ind. Tax Ct. 2017). Evidence of a property’s assessment in one year therefore has little bearing on its true tax value in another. *Fleet Supply, Inc. v. State Bd. of Tax Comm’rs*, 747 N.E.2d 645, 650 (Ind. Tax Ct. 2001).
16. Because Gold Coast offered no probative market-based evidence to demonstrate the property’s correct market value-in-use for 2017, it failed to make a prima facie case for reducing the assessment.

² The reassessment manual in effect on the 2017 assessment date used the same definition. 2011 REAL PROPERTY ASSESSMENT MANUAL at 2.

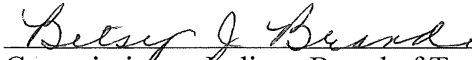
Conclusion

17. Gold Coast failed to offer any probative market-based evidence to show that its property was assessed for more than its market value-in-use. We therefore find for the Assessor and order no change.

Date: MAY 31, 2022



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>.