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

Petition No.:	**71-026-24-1-5-00165-25**
Petitioner:	**Raymond Jensen**
Respondent:	**St. Joseph County Assessor**
Parcel No.:	**71-08-13-831-005.000-026**
Assessment Year:	**2024**

The Indiana Board of Tax Review ("Board") issues this determination in the above matter, finding and concluding as follows:

PROCEDURAL HISTORY

1. On June 11, 2024, Raymond Jensen appealed the 2024 assessment of his property located at 214 East Bowman St. in South Bend. The St. Joseph County Property Tax Assessment Board of Appeals ("PTABOA") did not issue a final determination.

2. On March 13, 2025, Jensen filed his Form 131 Petition directly appealing the 2024 assessment to the Board. The assessed values of record are $1,700 for land and $61,500 for improvements for a total of $63,200. Jensen elected to proceed under our small claims procedures. On June 3, 2025, Natasha Marie Ivancevich, our designated administrative law judge ("ALJ"), held an in-person hearing. Neither she nor the Board inspected the property.

3. Jensen appeared *pro se*. Chief Deputy Assessor Alta Neri appeared on behalf of the St. Joseph County Assessor. Both testified under the penalties for perjury.

RECORD

4. Jensen submitted the following exhibits:

   Petitioner's Ex. A: Comparable Sales Data
   Petitioner's Ex. B: Comparable Assessment Data

5. The Assessor did not submit any exhibits.

6. The official record also includes: (1) all documents filed in this appeal; (2) all notices and orders issued by the Board or our ALJ; and (3) an audio recording of the hearing.

FINDINGS OF FACT

7. The subject property consists of an owner occupied 624 sq. ft. residential home built in 1927 with a detached garage and utility shed located on 0.10 acres of land. *Neri testimony*; *Jensen testimony; Pet'r Ex. A.*

8. The 2024 assessment under appeal of $63,200 is an approximately 124% increase over the prior year's assessment of $28,200. *Pet'r Ex. A.*

PARTIES' CONTENTIONS

A. Jensen's Contentions

9. Jensen argued that the increase from his 2023 assessment of $28,200 to the 2024 assessment of $63,200 was exorbitant. He claimed that the subject neighborhood had gone downhill since the closure of a local manufacturing plant. He acknowledged that in recent years home values have been increasing, but argued this was not enough to justify the increase in the assessment. *Jensen testimony.*

10. Jensen also presented sales from 2020-2023 of homes in the same neighborhood that he considered comparable to the subject property. He found the average sale price was $40,128.57. He argued that his home should be assessed at this value. *Jensen testimony; Pet'r Ex. A.*

11. Finally, Jensen argued that his home should not be assessed differently than nearby rental properties. He presented assessment data that he claimed showed a difference of approximately $14,000 between the assessments of rental properties and owner-occupied properties. *Jensen testimony; Pet'r Ex. B.*

B. Assessor's Contentions

12. The Assessor argued that the 2024 assessment was the result of removing adjustments from prior appeals and starting over "as the market is today." The Assessor further contended their office ran a Multiple Regression Analysis which produced a value of $60,700. *Neri testimony.*

BURDEN OF PROOF

13. 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." Indiana Code § 6-1.1-15-20(a) (effective March 21, 2022).

14. 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.*

15. 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).

16. Here, the assessment under appeal is an increase of more than 5% over the prior year's assessment and both parties agreed the Assessor had the burden of proof. We agree and find the burden rests with the Assessor.

ANALYSIS

17. The totality of the evidence is insufficient to support any value. Thus, the prior year's assessment is presumed correct.

a) 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).

b) 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.

c) 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 Cty. 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.

d) 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. 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).

e) Here, the Assessor had the burden of proof but failed to offer any probative evidence of the value of the subject property. As discussed above, simply relying on the mass appraisal methodology is insufficient to establish a value for a specific property on appeal. Instead, the Assessor needed to use market-based evidence to "demonstrate that the suggested value accurately reflects the property's true market value-in-use." *Eckerling v. Wayne Twp. Ass'r*, 841 N.E.2d 674, 678 (Ind. Tax Ct. 2006). The Assessor claimed to have performed a regression analysis but did not offer that analysis into evidence for us to examine. 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). For these reasons, the Assessor failed to meet his burden of proof.

f) We now turn to Jensen's evidence. He argued that his home should be assessed at $40,128.57 based on the average sale price in his neighborhood. But as discussed above, conclusory statements that a property is comparable are insufficient. *Marinov* at 1156. Instead, 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, 470-71 (Ind. Tax Ct. 2005). In addition, in order for a comparable sales analysis to be reliable, a party must identify the characteristics of the subject property, explain how those characteristics compare to the characteristics of the purportedly comparable properties, and explain how any differences affect the relative market values-in-use of the properties. *Id.* At 471. But Jensen did not provide any of this analysis. For these reasons, we find his evidence fails to show a reliable estimate of the value of the subject property.

g) Finally, Jensen argued that his owner-occupied property should not be assessed differently than nearby rental properties. We take this as a challenge to the uniformity and equality of the assessment as mandated by I.C. § 6-1.1-2-2 and Article 10 of the Indiana Constitution. 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,* 726 N.E.2d 395, 404 (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)).

h) 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 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." *Thorsness 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).

i) As discussed above, one of the requirements for a reliable ratio study is a comparison between a statistically reliable sample of assessments and objectively verifiable market data such as sale prices or appraisals. But Jensen did not demonstrate that he provided a statistically reliable sample of properties. In addition, I.C. § 6-1.1-4-39 sets a different standard for rental properties of one to four units, providing that the gross rent multiplier is the preferred method for valuation. For these reasons, we find Jensen has failed to show he is entitled to relief on these grounds.

FINAL DETERMINATION

18. Because the burden of proof shifted and the totality of the evidence is insufficient to support any value, the prior year's assessment is presumed correct. I.C. § 6-1.1-15-20(f). Therefore, we order the 2024 assessment reduced to the prior year's value of $28,200.

ISSUED: SEPTEMBER 2, 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>.