REPRESENTATIVE FOR THE PETITIONER: Cheryl Lautman-Sampson, *pro se*

REPRESENTATIVE FOR THE RESPONDENT: Jennifer Lasley, Boone County Assessor

# BEFORE THE
# INDIANA BOARD OF TAX REVIEW

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| Cheryl Lautman-Sampson as Trustee of Cheryl L. Lautman Trust, | ) | Petition No.: 06-003-24-1-5-00378-25 |
| Petitioner, | ) | Parcel No.: 003-10930-33 |
| v. | ) | County: Boone |
| Boone County Assessor, | ) | Township: Eagle |
| Respondent. | ) | Assessment Year: 2024 |

June 8, 2026

## 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. Cheryl Lautman-Sampson, trustee of the Cheryl L. Lautman Trust ("the Trustee"), appealed the 2024 assessment of her property in Boone County. The Trustee had the burden of proof but failed to present reliable evidence supporting a reduction in the assessment. The Assessor offered a reliable, USPAP-certified appraisal prepared by Connie Bowman that estimated the value at $1,897,000. Based on the totality of the

evidence, we find for the Assessor and order the assessment changed to reflect the value from Bowman's appraisal.

## PROCEDURAL HISTORY

2. The Trustee filed a Form 130 appeal with the Assessor on June 17, 2024, appealing the 2024 assessment of her property located at 3005 South 875 East in Zionsville.

3. The Boone County Property Tax Assessment Board of Appeals ("PTABOA") held a hearing on March 12, 2025. On April 2, 2025, the PTABOA sustained the assessment at $82,300 for land and $1,624,900 for improvements for a total of $1,707,200. The Trustee appealed to the Board on May 8, 2025.

4. On March 9, 2026, Dalene McMillen, the Board's Administrative Law Judge ("ALJ") held a telephonic hearing. Neither the Board nor the ALJ inspected the property.

5. Cheryl Lautman-Sampson, Dudley Sampson, Boone County Assessor Jennifer Lasley, and Appraiser Connie Bowman testified under oath.

6. The Trustee offered the following exhibits:

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| Petitioner Exhibit 1: | Executive Summary, |
| Petitioner Exhibit 2: | Department of Local Government Finance ("DLGF") article titled "The 2000's: A Decade of Change in Indiana Assessment Policy" prepared by Micah G. Vincent, General Counsel, |
| Petitioner Exhibit 5: | Cost to Build Calculations, |
| Petitioner Exhibit 6: | Cost to Build Calculations, |
| Petitioner Exhibit 8: | Comparable sales analysis.[1] |

7. The Respondent offered the following exhibits:

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| Respondent Exhibit 9: | Appraisal Report of Subject Property prepared by Connie L. Bowman of Bowman & Associates, LLC, |

[1] The Trustee submitted exhibits 0, 3, 4, 7, and 9-26 prior to the hearing but did not offer them into evidence.

Respondent Exhibit 10: Multiple listing sheet ("MLS") of the Subject Property with a listing date of October 12, 2020.[2]

8. The record also includes the following: (1) all pleadings and documents filed in this appeal, (2) all orders, and notices issued by the Board or ALJ; and (3) the digital recording of the hearing.

## FINDINGS OF FACT

### A. Subject Property

9. The property under appeal consists of a two-story partial brick/stone house of approximately 6,200 square feet built in 2014 with a basement, swimming pool, and utility shed located on 2.30 acres of land in Zionsville. The Trustee purchased the subject property on March 1, 2021, for $2,000,000. *Bowman testimony; Resp't Ex. 9, 10.*

10. In 2023, the subject property was assessed at $1,782,000. The 2024 assessment under appeal of $1,707,200 is a decrease from the prior year's assessment. *Lasley testimony; Pet'r Ex. 1; Resp't Ex. 9.*

### B. Trustee's Cost Analysis

11. The Trustee presented a cost analysis developed using an online cost calculator based on variables such as the number of bedrooms and bathrooms, square footage, the number of stories, and roof pitches. This yielded an estimated construction cost of $1,810,824. The cost for the pool was added, and an estimate of depreciation was deducted. Adding in the land value from the assessment yielded a total value under the cost approach of $1,575,303. *D. Sampson testimony; Pet'r Exs. 1, 5 & 6.*

12. The Trustee did not offer any evidence showing how the values used in the online cost calculator were determined, what data it relied upon, or whether its methodology was based on generally accepted appraisal principles. In addition, the Trustee did not offer any evidence that established that the use of such a calculator was a reliable method for

[2] The Respondent submitted Respondent Exhibits 1, 2, 3, 4, 5, 6, 7, and 8 but did not offer them into evidence.

estimating a construction cost for a property like the subject. Nor did the Trustee show that the person or persons that prepared that analysis or the depreciation estimates had the necessary expertise in the appraisal of real property to develop reliable conclusions of its market value-in-use. For these reasons, we find the Trustee's cost approach is not a credible estimate of the value of the subject property.

**C. Trustee's Sales-Comparison Analysis**

13. The Trustee also presented a sales-comparison analysis using three sales of properties that sold for prices ranging from $1,400,000 to $1,800,000. The sales were adjusted for factors such as land size, square footage, basement size, fireplaces, plumbing, exterior features, garage, pool, and utility shed. After adjustments, the sale prices ranged from $1,420,342 to $1,751,554, or an average of $1,608,391. *D. Sampson testimony; Pet'r Ex. 8.*

14. The Trustee did not demonstrate that the analysis was prepared in accordance with generally accepted appraisal principles, or that the person or persons that prepared the analysis had the necessary expertise in the appraisal of real property. In addition, there is no evidence showing how the adjustments were established or whether they were developed using reliable, market-based data. For these reasons, we find the Trustee's sales-comparison analysis is not a credible estimate of the value of the subject property.

**D. Bowman Appraisal**

15. The Assessor engaged Connie Bowman, a certified general appraiser, to estimate the market value of the subject property as of December 31, 2023. She certified that her appraisal complied with the Uniform Standards of Professional Appraisal Practice ("USPAP"). She developed only a sales-comparison approach.[3] *Bowman testimony; Resp't Ex. 9.*

[3] Bowman did not develop a cost approach because she did not observe the interior of the subject property. In addition, she did not develop an income-approach because she determined this type of property was not income producing. *Bowman testimony.*

16. Bowman selected four comparables that sold between November 2022 and September 2023, for prices ranging from $1,700,000 to $1,980,000. Bowman adjusted the comparables for factors such as land size, age, condition, above and below grade living area, bathrooms, garage size, fireplaces, and swimming pool. She noted that the interior information on the home was obtained from the October 12, 2020, listing sheet. After adjustment, the sale prices ranged from $1,853,700 to $2,113,900. She reconciled these to a value of $1,897,000 as of December 31, 2023. *Bowman testimony; Resp't Exs. 9 & 10.*

17. We find Bowman has sufficient expertise in the valuation of residential property, used generally accepted appraisal principles, and presented reliable, market-based evidence. For these reasons, we find she presented a credible opinion of the value of the subject property.

## PETITIONERS' CONTENTIONS

18. The Trustee made a number of claims about the assessment system generally and the practices of the Boone County Assessor. These included claims that:

- The assessment process is "arbitrary and confiscatory" because it establishes a tax on unrealized gains.
- The Assessor should not have multiple versions of her ratio study.
- The Assessor is systemically over-assessing Eagle Township.
- The increase in the subject property's assessment over time was not warranted.

*D. Sampson testimony.*

19. The Trustee argued that Bowman's appraisal was unreliable because she selectively chose higher value comparables, one was built in 2022 while the subject property was built in 2016, and one of the comparables sold in 2022. *C. Sampson testimony; D. Sampson testimony.*

## RESPONDENT'S CONTENTIONS

20. The Assessor argued that Bowman's conclusion of $1,897,000 was the best evidence of the value of the subject property. *Lasley testimony.*

## BURDEN OF PROOF

21. 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." Ind. Code § 6-1.1-15-20(a) (eff. Mar. 21, 2022).

22. 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.*

23. 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).

24. Here, the current assessment of $1,707,200 is a decrease from the previous year's assessment of $1,782,000. Thus, the Trustee has the burden of proof.

## ANALYSIS

25. 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).

26. The goal of Indiana's real property assessment system is to arrive at an assessment reflecting a property's true tax value. 52 Ind. Admin. Code 2.4-1-2; 2021 REAL PROPERTY ASSESSMENT MANUAL at 3. 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 the value determined under the rules of the DLGF. I.C. § 6-1.1-31-5 (a); I.C. § 6-1.1-31-6 (f).

27. For most real property, 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 a similar user, from the property." MANUAL at 2. In order to meet its burden of proof, a party "must present objective verifiable, market-based evidence." *Piotrowski v. Shelby Cnty. 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)). 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. 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. Dept. of Loc. Gov't Fin.*, 854 N.E.2d 90, 95 (Ind. Tax Ct. 2006).

28. Here, the Trustee had the burden of proof. In support of this, she offered a sales-comparison approach and a cost approach. As discussed above, we find neither approach reliable because the Trustee did not demonstrate that they were developed using generally accepted appraisal principles. In addition, she did not show that they were based on reliable market data or that the person or persons that created them had the necessary expertise in the appraisal of real property. For these reasons, neither analysis is sufficient to establish a value for the subject property

29. The Trustee also argued that the assessment process generally was "arbitrary and confiscatory." To the extent the Trustee may have been arguing that the assessment system generally, or the subject assessment in particular, were unconstitutional, we find those claims waived for a lack of cogent argument or citation to relevant authority. In addition, the Board is a creation of the Legislature and has only those powers conveyed by statute. *Whetzel v. Dep't of Loc. Gov't Fin.*, 761 N.E.2d 904 (Ind. Tax Ct. 2002). Thus, we are compelled to follow the assessment statutes as set down by the Indiana General Assembly. If the Trustee wishes those laws changed, she must seek a remedy with that body.

30. In addition, the Trustee made some specific criticisms of the Assessor, including that she was using multiple different ratio studies and that the assessments should not have increased so much from year to year. But the Trustee did not show why either of these claims, even if true, would entitle her to any individual relief. Absent the application of the burden-shifting statute, the subject property's assessment in years not under appeal or its fluctuation between years are of little relevance. Rather, the focus is what the value should be as of the relevant assessment date. In addition, it is insufficient to simply attack the methodology used to develop the assessment. Instead, parties must use market-based evidence to "demonstrate that the suggested value accurately reflects the property's true market value-in-use." *Eckerling* at 678.

31. Finally, the Trustee alleged the subject property's township has been systemically over-assessed. We take this as a challenge to the uniformity and equality of the assessment as mandated by Indiana Code § 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 Prac. Ctr. v. Washington Twp. Ass'r*, 859

N.E.2d 396, 399 n.3 (Ind. Tax Ct. 2007). 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), *review denied.*

32. 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 Loc. 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." *Thorsness v. Porter Cnty. Ass'r*, 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).

33. Here, the Trustee made only general allegations of a lack of uniformity. She did not provide the type of analysis contemplated in *Kemp.* Nor did she provide a reliable estimate of the market value-in-use of the subject property. For these reasons, she has failed to show she is entitled to any relief on these grounds.

34. We now examine whether the Assessor presented reliable evidence supporting a different value. The Assessor relied on a USPAP-certified appraisal performed by Connie Bowman. Using the sales-comparison approach, Bowman estimated the subject property's value at $1,897,000 for 2024. As discussed above, we find her opinion to be reliable evidence of value based on her expertise and the data she relied on. We find no

support for the Trustee's assertion that Bowman selectively chose higher-value comparables. The Trustee also argued that one of the comparables was eight years newer than the subject property, but Bowman adjusted for this difference. The Trustee also pointed out that one of the comparables sold over a year prior to the assessment date. It is not apparent from the record how the sale date factored into Bowman's analysis. We agree with the Trustee that this somewhat detracts from the reliability of Bowman's conclusion. Nevertheless, we still find by a preponderance of the evidence that Bowman presented a credible estimate of the market value-in-use of the subject property as of the valuation date.[4] We also find it is the most reliable evidence in the record.

## CONCLUSION

35. The Trustee had the burden of proof but failed to provide any reliable market-based evidence that supported her requested value. The Assessor provided reliable evidence in the form of a USPAP-certified appraisal from a qualified expert. The totality of the evidence shows that Bowman's conclusion of $1,897,000 is the best evidence of the true tax value of the subject property as of the valuation date. Accordingly, we order the 2024 assessment changed to that amount.

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

Jonathan R. Elrod

Chairman, Indiana Board of Tax Review

Timothy Schultz

Commissioner, Indiana Board of Tax Review

Commissioner, Indiana Board of Tax Review

[4] Bowman estimated the value of the subject property as of December 31, 2023, essentially contemporaneous with the January 1, 2024 valuation date. *Resp't Ex.9.*

## - 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>.