

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

**Petition No.:** 45-004-18-1-5-00463-21  
45-004-21-1-5-00058-23  
**Petitioner:** James Nowacki  
**Respondent:** Lake County Assessor  
**Parcel No.:** 45-08-16-430-024.000-004  
**Assessment Year:** 2018 and 2021

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

**PROCEDURAL HISTORY**

1. James Nowacki appealed the 2018 and 2021 assessments of his property located at 2620 Jefferson Street in Gary.<sup>1</sup> on July 19, 2019, and June 10, 2022, respectively. The Lake County Property Tax Assessment Board of Appeals (“PTABOA”) issued their final determinations as follows:

Assessment Year	Issued	Land	Improvements	Total
2018	April 7, 2021	\$1,500	\$2,800	\$4,300
2021	December 1, 2022	\$1,500	\$2,100	\$3,600

2. Nowacki filed his Form 131 Petitions appealing the 2018 and 2021 PTABOA Determinations on May 25, 2021, and January 17, 2023, respectively, electing to proceed under our small claims procedures. On August 4, 2025, Natasha Marie Ivancevich, our designated administrative law judge (“ALJ”), held an in-person hearing. Neither she nor the Board inspected the property.
3. Nowacki appeared *pro se*. Matthew Ingram from the Lake County Assessor’s office appeared for Assessor. Both testified under oath.

**RECORD**

4. Nowacki submitted the following exhibits:

Petitioner Ex. A	Subject Property Record Card
Petitioner Ex. B	Aerial Photo of Subject Property.
Petitioner Ex. C	Subject Parcel Identification Information

5. The Assessor did not submit any exhibits.

---

<sup>1</sup> The Form 130 lists the address as 2820 Jefferson St., but the Form 115, Form 130, and Property Record Card all have the address 2620 Jefferson St. We find 2620 Jefferson St. to be the correct address of the parcel under appeal.

6. The official record also includes: (1) all pleadings, briefs, motions, and 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 property is a 0.07-acre lot with a dilapidated building. Nowacki purchased the property in 2009 for \$25 at a tax sale. *Pet'r Ex. A; Nowacki testimony; Ingram testimony.*
8. The 2018 assessment under appeal of \$4,300 is an approximately 23% increase over the prior year's assessment of \$3,500. The 2021 assessment under appeal of \$3,600 is an approximately 3% increase over the prior year's assessment of \$3,500. *Pet'r Ex. A; Nowacki testimony; Ingram testimony.*

### **PARTIES' CONTENTIONS**

#### **A. Nowacki's Contentions**

9. Nowacki argued the property is over-assessed. In support of this, he pointed to the poor condition of the building. He asked that the assessments be reduced to \$2,500 for each of the years under appeal. *Nowacki testimony.*
10. Nowacki also argued that his 2009 tax sale purchase of the subject property demonstrated the general market for the properties in this area. *Nowacki testimony.*
11. Lastly, Nowacki argued that the large fluctuations in the assessments from year to year demonstrate that the current assessments should not be considered accurate. *Nowacki testimony.*

#### **B. Assessor's Contentions**

12. The Assessor argued the assessment should be decreased to \$3,200 for each of the years under appeal due to the condition of the improvements. *Ingram testimony.*

### **BURDEN OF PROOF**

13. These appeals span several years during which different statutory regimes governed the burden of proof in assessment appeals. *See* Indiana Code § 6-1.1-15-17.2 (repealed by 2022 Ind. Acts 174, § 32 effective on passage); I.C. § 6-1.1-15-20. Both statutes remove the normal presumption that an assessment is correct and shift the burden of proof to the assessor in cases where the assessment under appeal represents an increase of more than 5% over the prior year's assessment, as last corrected by an assessing official, stipulated to or settled by the taxpayer and the assessing official, or determined by a reviewing authority. I.C. § 6-1.1-15-17.2 (a)-(b); I.C. § 6-1.1-15-20(a)-(b), (f). And where there is a failure of proof, both statutes require the assessment to revert to the level last

determined for the prior year. I.C. § 6-1.1-15-17.2(b); I.C. § 6-1.1-15-20(f). Under the first statute, that reversion occurs where the assessor fails to offer probative evidence of the property's true tax value that "exactly and precisely conclude[s]" to the challenged assessment, and the taxpayer fails to show that its proffered assessment is correct. I.C. § 6-1.1-15-17.2(b); *Southlake Ind., LLC v. Lake Cnty. Ass'r* ("Southlake II"), 174 N.E.3d 177, 179-80 (Ind. 2021); *Southlake Ind. LLC v. Lake Cnty. Ass'r* ("Southlake III"), 181 N.E.3d 484, 489 (Ind. Tax Ct. 2021). Under the second statute, the Legislature clarified that the reversion is triggered only where the totality of the evidence does not suffice to prove the property's true tax value. I.C. § 6-1.1-15-20(f).

14. For assessment year 2018, we apply I.C. § 6-1.1-15-17.2 because that appeal was filed with the PTABOA prior to its repeal and I.C. § 6-1.1-15-20 specifically applies to Chapter 15 appeals filed after its effective date of March 21, 2022. For assessment year 2021, we apply I.C. § 6-1.1-15-20.
15. For 2018, the assessment increased more than 5% over the prior year's assessment. Thus, the Assessor has the burden of proof under I.C. § 6-1.1-15-17.2. The 2021 assessment did not increase by more than 5% over the prior year's assessment and Nowacki has the burden for that year under I.C. § 6-1.1-15-20.

#### ANALYSIS

16. Neither party presented any reliable evidence of value.
  - a) Generally, an assessment determined by an assessing official is presumed to be correct. 2011 REAL PROPERTY ASSESSMENT MANUAL at 3.<sup>2</sup> The petitioner has the burden of proving the assessment is incorrect and what the correct assessment should be. *Piotrowski v. Shelby County Assessor*, 177 N.E.3d 127, 131-32 (Ind. Tax Ct. 2022).
  - b) Real property is assessed based on its true tax value. I.C. § 6-1.1-31-5. 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 DLGF's rules. 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) 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

---

<sup>2</sup> The Department of Local Government Finance has adopted a new assessment manual and guidelines that apply to assessments for 2021 forward. 52 IAC 2.4-1-2 (filed Nov. 20, 2020) (incorporating 2021 Real Property Assessment Manual and Real Property Assessment Guidelines for 2021 by reference).

“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) As discussed above, the Assessor has the burden of proof for 2018 to show that the current assessment of \$4,300 is exactly and precisely correct under I.C. § 6-1.1-15-17.2. But the Assessor did not even attempt to meet that burden and instead conceded the assessment should be reduced to \$3,200. For that reason, the Assessor has failed to meet burden of proof.
- f) Nowacki argued that the 2018 assessment should be \$2,500, but he failed to present any probative market-based evidence to support that value. Although Nowacki offered some argument and testimony related to the poor condition of the improvements, he did not offer any reliable evidence quantifying the effect this deficiency had on the overall value of the property. 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). To successfully make a case for lowering an assessment, taxpayers must use market-based evidence to “demonstrate that their suggested value accurately reflects the property’s true market value-in-use.” *Eckerling*, 841 N.E.2d 674, 678. Nowacki did point to his 2009 purchase of the property, but did nothing to relate this value to the relevant assessment date. Thus, this evidence is likewise unreliable.
- g) Nowacki also pointed to the fluctuations of the assessment over time, but as the Tax Court has explained “each tax year-and appeal process-stands alone.” *Fisher v. Carroll Cty. Ass’r*, 74 N.E.3D 582, 588 (Ind. Tax Ct. 2017). 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. Because Nowacki offered no probative market-based evidence, he failed to make a prima facie case for a lower assessment.

- h) Nowacki also had the burden of proof for the 2021 assessment year and relied on the same evidence and argument as for 2018. We reach the same conclusion. The Assessor did not present any evidence of value and again asked the assessment be reduced to \$3,200.

#### FINAL DETERMINATION

17. Neither party presented any probative evidence of value for any of the years under appeal. For 2018, the Assessor had the burden of proof but conceded the subject property was worth no more than \$3,200—less than the prior year's assessment of \$4,300. For that reason, we order the 2018 assessment reduced to \$3,200. For 2021, Nowacki had the burden of proof. Because the Assessor conceded the subject property was worth no more than \$3,200, we order the assessment reduced to that amount for that year as well.

ISSUED: OCTOBER 31, 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>>.