REPRESENTATIVE FOR PETITIONER: Bobbie Peterson, pro se

REPRESENTATIVE FOR RESPONDENT: Brian Cusimano, Attorney at Law
Zachary Price, Attorney at Law

BEFORE THE
INDIANA BOARD OF TAX REVIEW

BOBBIE A. PETERSON,	)	Petition Nos.: 20-015-23-1-4-00451-24
	)	20-015-23-1-4-00452-24
Petitioner,	)	20-015-23-1-4-00453-24
	)	20-015-23-1-4-00454-24
v.	)	
	)	Parcel No.: 20-11-14-351-036.000-015
ELKHART COUNTY	)	20-11-05-355-049.000-015
ASSESSOR,	)	20-11-15-306-008.000-015
	)	20-11-15-402-007.000-015
Respondent.	)	
	)	County: Elkhart
	)	
	)	Assessment Year: 2023

FINAL DETERMINATION DISMISSING APPEALS

The Indiana Board of Tax Review ("Board") having reviewed the facts and evidence, and having considered the issues, now finds, and concludes the following:

I. INTRODUCTION

1. Bobbie Peterson appealed the 2023 assessments for four properties. The Elkhart County Property Tax Assessment Board of Appeals ("Elkhart PTABOA") denied Peterson's appeals for three of the properties and adopted a written report agreeing to settle her appeal for the fourth property. The preponderance of the evidence shows that Peterson did not timely appeal the Elkhart PTABOA's determinations. And the Assessor was entitled to enforce the parties' settlement agreement. We therefore dismiss Peterson's appeals.

II. PROCEDURAL HISTORY

A. Appeal Petitions

2. We begin with a general outline of the procedural events in these appeals. On June 14, 2023, Peterson filed four Form 130 petitions with the Assessor, challenging the 2023 assessments of her properties located at 1907 Woodstone Court (parcel 20-11-14-351-036.000-015), 1015 S. 16th Street (parcel 20-11-15-402-007.000-015), 517 New York Street (parcel 20-11-15-306-008.000-015), and 2000 Elkhart Road (parcel 20-11-05-355-049.000-015) in Goshen.[1]

3. Peterson and the Assessor signed a Form 134 Joint Report by Taxpayers/Assessor to County Property Tax Assessment Board of Appeals agreeing to reduce the assessment for the Woodstone Court property to $279,300 ($39,300 for land and $240,000 for improvements). On June 19, 2024, the Elkhart PTABOA issued a Form 115 determination adopting the parties' agreement.

4. That same day, the Elkhart PTABOA issued determinations for Peterson's remaining three appeals, valuing the properties as follows:

Property	Land	Improvements	Total
S. 16th Street	$0	$133,400	$133,400
Elkhart Road	$91,700	$113,700	$205,400
New York Street	$17,600	$183,600	$201,200

5. Peterson responded by filing Form 131 petitions for all four properties with us.[2] The parties disagree about the date on which she first filed those petitions and whether they

[1] The Form 130 for the Woodstone Court property lists Peterson as the owner. The Form 130 petitions for the other three properties list Unique Property Leasing LLC as the owner. Peterson signed those three petitions as the owner's authorized representative without indicating the basis for that authorization. The Form 131 petitions list Peterson as the petitioner, and we have captioned the appeals accordingly. Peterson failed to present evidence showing the capacity in which she could appeal the properties owned by Unique Leasing as an authorized representative under our procedural rules. Because we dismiss the appeals as untimely, we need not resolve Peterson's authority to file the petitions for the Unique Leasing properties.

[2] Because the petitions for the S. 16th Street, Elkhart Road, and New York Street properties listed parcel numbers that did not match the Form 115 determinations, we issued defect notices and returned the original petitions to Peterson to correct the defects. We received her corrected petitions for those properties on September 12, 2024. We did not issue a defect notice for the petition addressing the Woodstone Court property.

were timely. We will address those issues in more detail in our findings of fact, conclusions of law, and analysis.

B. The Assessor's Summary Judgment Motions

6. We originally set hearings on Peterson's appeals for February 5, 2025, which we continued at the Assessor's request and rescheduled for June 5, 2025.

7. On April 10, 2025, the Assessor filed two summary judgment motions together with designated evidence. The first motion addressed only the Woodstone Court property and argued that Peterson had agreed to settle her appeal by signing a Form 134 report that reduced the assessment to the amount she had requested in her Form 130 petition. The second motion dealt with all four appeals and argued that we should dismiss them as untimely filed. The Assessor asked us to either grant the motions or convert the June 5 hearings on the merits of the appeals to a hearing on the motions. Each motion had a certificate of service indicating it had been sent to Peterson via U.S. mail. Peterson did not file a response to either motion.

8. On May 21, 2025, one of our designated administrative law judges issued an order converting the hearings on the merits to a hearing on the summary judgment motions. On June 4, the day before the hearing, Peterson filed a continuance request, alleging that she had never received the summary judgment motions.

9. We did not continue the hearing. But our designated administrative law judge instructed the parties that he would not be entertaining arguments on the summary judgment motions and that they should instead offer evidence addressing whether Peterson had received those motions. Peterson testified that she had problems with mail being delivered to her office and had not received the motions. *Peterson testimony.*

10. On July 28, 2025, our designated law judge, Erik Jones ("ALJ Jones"), issued an order denying the Assessor's summary judgment motions and setting the appeals for a

September 18, 2025, telephonic evidentiary hearing on the two issues raised in those motions: (1) whether Peterson timely filed her Form 131 petitions, and (2) whether she entered into a settlement agreement for her appeal of the Woodstone Court property. The order included hearing instructions, which notified the parties that they were required to provide each other with (1) a list of their anticipated witnesses and exhibits at least 15 business days before the hearing, and (2) copies of their documentary evidence at least five business days before the hearing. The instructions further notified the parties that failure to comply with those exchange requirements could serve as grounds to exclude evidence.

C. The Evidentiary Hearing

11. At Peterson's request, we continued the September 18 evidentiary hearing and rescheduled it for October 30, 2025. ALJ Jones held the hearing on the rescheduled date. Peterson testified under oath.

12. The Assessor offered the following exhibits:

Exhibit A-1[3]	Form 130 for 1907 Woodstone Court (parcel no.: 20-11-14-351-036.000-015),
Exhibit B-1	Form 134 for 1907 Woodstone Court, executed by Peterson and Assessor,
Exhibit C-1	Form 115 for 1907 Woodstone Court,
Exhibit D-1	Form 131 for 1907 Woodstone Court.
Exhibit A	Form 115 for Parcel No. 20-11-14-351-036.000-015,
Exhibit B	Form 115 for Parcel No. 20-11-05-355-049.000-015,
Exhibit C	Form 115 for Parcel No. 20-11-15-306-008.300-015,
Exhibit D	Form 115 for Parcel No. 20-11-15-402-007.000-015,
Exhibit E	Form 131 for Parcel No. 20-11-14-351-036.000-015,
Exhibit F	Form 131 for Parcel No. 20-11-05-355-049.000-015,
Exhibit G	Form 131 for Parcel No. 20-11-15-306-008.300-015,
Exhibit H	Form 131 for Parcel No. 20-11-15-306-008.300-015,
Exhibit I	Tracking label for all appeals,

[3] These are the exhibits the Assessor designated in her summary judgment motions. She did not offer separate copies at the hearing. She also used alphabetical labels for both sets of exhibits. To avoid confusion, we use alphanumeric designations for the exhibits taken from the summary judgment motion addressing the Woodstone Court property and the original alphabetic designations for the exhibits taken from the motion addressing all four properties.

Exhibit J	Tracking information for all appeals.

13. Peterson submitted the following exhibits:[4]

Exhibit 1	Priority mail envelope with hand-written date of Aug. 1, 2024,
Exhibit 2	Letter from Peterson to Board regarding filing defect and including filing materials,
Exhibit 3	IBTR-returned Form 131s for correction of parcel numbers,
Exhibit 4	Priority mail receipt dated Sept. 11, 2024.

14. The record also includes the following: (1) all pleadings, motions, and other documents filed in these appeals, (2) all orders, and notices issued by the Board or our designated administrative law judges; and (3) audio recordings of the June 3, 2025, and October 30, 2025, hearings.

III. Objections

15. Peterson objected to the Assessor's exhibits A and B—the Form 115 determinations for the appeals of the Woodstone Court and Elkhart Road properties—on grounds that the documents were missing pages.[5] The Assessor responded that she acquired each document from our POPLAR electronic filing system and that she did not remove any pages from them.

16. We overrule Peterson's objection. First, Peterson herself submitted the incomplete documents to us with her appeal petitions. Second, and more importantly, Peterson did not allege that the omission of the pages in question made the documents misleading. In any case, she was free to offer the omitted portions of the documents to guard against that danger.

[4] Peterson labeled the exhibits as G-J. ALJ Jones redesignated them as 1-4.

[5] Peterson objected when the Assessor offered Exhibits A-1 and B-1. But given her description of what pages were missing from the documents, it appears she was referring to Exhibits A and B, which the Assessor later introduced without Peterson expressly objecting. Regardless of which exhibits Peterson's objection addressed, our ruling is the same: we overrule her objection and admit the exhibits.

17. For her part, the Assessor objected to all four of Peterson's exhibits on grounds that Peterson did not provide those documents to the Assessor's counsel until 11:00 p.m. on the eve of the hearing and therefore did not comply with our evidence-exchange rule. Peterson did not dispute that fact. She responded that we should admit the exhibits because counsel did not supply her with the Assessor's summary judgment motions and designations until late August or September.[6]

18. We sustain the Assessor's objection. To promote settlement and avoid unfair surprise, our procedural rules require the parties to exchange copies of their documentary evidence at least five business days before a hearing. 52 Ind. Admin. Code 4-8-1(b)(1)-(2). Failure to comply with our exchange rules may serve as grounds to exclude evidence. 52 I.A.C. 4-8-1(f). Our hearing notice to the parties informed them of our rule and instructed them how to exchange their evidence.

19. Peterson's late night tender of her exhibits did not comply with our exchange rule. She sought to excuse her failure by complaining about the supposed delay by Assessor's counsel in providing her with the summary judgment materials. But counsel for the Assessor did endeavor to timely serve Peterson with those materials, and Peterson received these exhibits several weeks in advance of the October hearing. Any delay in Peterson receiving the summary judgment materials does not justify her failure to comply with the exchange rule. We therefore exclude her exhibits. However, had we admitted the exhibits and weighed their evidentiary value, we would still find, as a matter of fact, that Peterson did not mail the Forms 131 within the forty-five day deadline.

IV. FINDINGS OF FACT

A. The Woodstone Court Property Appeal

20. In her Form 130 petition for the Woodstone Court property, Peterson requested an assessment of $279,300 ($39,300 for land and $240,000 for improvements). *Ex. A-1.*

[6] Counsel indicated that he emailed the motions to Peterson on July 16, 2025. Peterson did not dispute that fact but instead claimed she did not receive the email until late August or September because she was on vacation.

21. The Assessor issued and signed a Form 134 report, which is the Department of Local Government Finance's form for reporting the results of an assessor's preliminary meeting with a taxpayer to explore resolving an appeal. The Assessor's signature on the Form 134 report is dated April 3, 2024. The date is typewritten through a digital format. *Ex. B-1*.

22. The front page of the Form 134 indicates that Peterson and the Assessor agreed the property should be assessed at $279,300 ($39,300 for land and $240,000 for improvements). The rest of the front page is blank, including boxes for the parties to indicate whether they agreed on all or part of the issues on appeal. *Ex. B-1*.

23. The actual settlement, in terms of valuation, is found only on page 1 of the Form 134. On page 2, the "Taxpayer Comments" section was left blank, and Peterson signed it in ink on June 10, 2024. The "Assessor Comments" section contained the following, typewritten in a digital format:

> Agree with petitioner's request upon review of the market changes from 2022 to 2023
>
> Have any questions upon review of this document please contact the appeals department at your earliest convenience . . . .
>
> A signed agreement must be received by our office in order to make any adjustments and/or to close out this appeal; if you which to go directly to the Property Tax Board of Appeals simply state so in the space provided [above] to expedite the process as much as possible BUT DO NOT SIGN IF THIS IS THE CASE.
>
> *Subject to the approval of the Property Tax Assessment Board of Appeals.

The second field indicates that the Assessor affirmed that the "foregoing report" represented the results of the informal meeting. *Ex. B-1.*

24. According to Peterson, when she signed the Form 134 report on June 10, 2024, the entire first page was blank when she signed it. She claimed that the result of their settlement

negotiations was simply that the Assessor's office agreed to consider trending the assessed value based on the results of her appeal of the property's 2022 assessment—as indicated in the "Assessors Comments." *Peterson testimony; Ex. B-1.*

25. We do not find Peterson's testimony credible that the assessment values listed in "Section 2" on page 1 of the Form 134 were blank when she signed it. We find the "Section 2" values were typewritten digitally before it was printed and signed by Peterson. The Form 134 report was most likely filled out electronically at the same time as the date for the Assessor's signature: April 3, 2024. We find the parties had not reached an agreement prior to Peterson's signature because the Form 134 was intentionally left blank: no boxes were checked on page 1 indicating the results of the preliminary meeting. The "Assessors Comments" directed Peterson not to sign if she wanted the matter heard by the PTABOA and directed her to say so in the "Taxpayer Comments." We find by a preponderance of the evidence that the Form 134 was not altered after Peterson's signature. *Peterson testimony; Ex. B-1.*

26. On June 19, 2024, the Elkhart PTABOA issued a Form 115 Notice of Final Assessment Determination for the Woodstone Court property. *Ex. C-1.*

B. Timeliness of Peterson's Form 131 Petitions

27. The Elkhart PTABOA issued Form 115 determinations for Peterson's appeals of the other three properties the same day it issued its determination for her appeal of the Woodstone Court property: June 19, 2024. All four determinations included a notice in bold capitalized letters informing Peterson that she had 45 days from the date the determination was mailed to file an appeal petition with us. We take official notice that the 45th day fell on Saturday, August 3, 2024, and that our office was open during regular business hours on Monday, August 5, 2024.[7] *Exs. A-D.*

[7] *See* 50 I.A.C. 4-6-11(a)(1) (allowing us to take official notice of "[a]ny fact that could be judicially noticed in the courts."); *see also, e.g,. Williamson v. Brandenberg*, 32 N.E. 1022, 1023 (Ind. Ct. App. 1893)("The courts of this state take judicial notice of the days of the month and of the week[.]").

28. Our records show that on August 12, 2024, we received a priority mail envelope containing a Form 131 petition for each property, together with portions of the Form 130 petitions and 115 determinations for those properties. There was no cover letter. Peterson's signature on each Form 131 petition was dated July 30, 2024, as were the certificates of service. *See also, Exs. F-I.*

29. The envelope had a shipping label that was printed on July 31, 2024, indicating that postage and fees had been paid. As shown by tracking data from the United States Postal Service, the envelope was not picked-up or accepted by the Postal Service for delivery until August 10, 2024. *Ex. J.*

30. Peterson nonetheless claimed that the envelope received by us on August 12, 2024, did not contain her original Form 131 petitions. Instead, she testified that a staff member from her office mailed her original Form 131 petitions to us on August 1, 2024. *Peterson testimony.*

31. According to Peterson, the staff member did not know Peterson had printed a shipping label and instead used a priority mail envelope with a stamp. Peterson testified that the staff member hand-wrote the date above the stamp and photocopied the envelope. But she further testified that because the staff member did not remember to get a receipt from the post office, the envelope could not be tracked. *Peterson testimony.*

32. Peterson then claimed that after the original petitions were mailed, she realized she had not included copies of the Form 115 determinations. She testified that she prepared a new packet to send to us with the omitted Form 115 determinations and a letter explaining "the problem." According to Peterson, she mailed that packet, a second mailing, to us using the shipping label she had printed on July 31. *Peterson testimony.*

33. Once again, we do not find Peterson credible. Our records do not reflect the receipt of two separate mailings. We received one mailing on August 12, 2024, which contained

the Form 131 petitions together with the relevant Form 130 petitions and Form 115 determinations. This would have been the "second mailing" because it contained the July 31 shipping label. But contrary to Peterson's testimony, this mailing did not contain the cover letter, which purportedly explained her omission of the Forms 115 in a prior mailing. Accordingly, we reject Peterson's testimony that a staff member sent an earlier mailing on August 1, 2024. We find by a preponderance of the evidence that Peterson only sent one mailing to the Indiana Board of Tax Review, and it was delivered and postmarked with the U.S. Postal Service on August 10, 2024.

34. We therefore find that Peterson did not mail her Form 131 petitions to us until August 10, 2024, which was 51 days after the Elkhart PTABOA issued notice of its determinations.

V. Conclusions of Law and Analysis

A. Peterson did not timely file her Form 131 petitions.

35. To obtain review of a determination from a county property tax assessment board of appeals ("county PTABOA"), a taxpayer must file a Form 131 petition with us "not later than forty-five (45) days" after that board gives notice of its determination. I.C. § 6-1.1-15-3(a)(1), (d)-(e). The Elkhart PTABOA gave notice of its Form 115 determinations on June 19, 2024. Peterson therefore needed to file her petitions with us by Monday, August 5, 2024. *See* 52 Ind. Admin. Code 4-4-3(a) (providing that the last day of a designated period is not counted if it is a Saturday, Sunday, legal holiday, or day on which our office is closed during regular business hours).

36. Our procedural rules offer various methods for parties to file appeal petitions with us. 52 I.A.C. 4-5-1. What constitutes prima facie proof of the filing date depends on the means used to file the petition: for personal delivery or electronic filing, it is our received stamp or the date of electronic filing; for first class, registered, or certified mail that is properly addressed with sufficient postage, it is the postmark; and for private carriers, it is the deposit date with the carrier as shown by a receipt. 52 I.A.C. 4-4-3(c)-(f); *see also,* I.C. § 6-1.1-36-1.5 (laying out when a document is deemed to have been filed by its due date).

37. The Form 131 petitions we received were untimely. Assuming, without deciding, that priority mail counts as first class mail for purposes of 52 I.A.C. 4-4-3 and I.C. § 6-1.1-36-1.5, the envelope containing those petitions was not postmarked, nor was it delivered to the U.S. Postal Service until August 10, 2024—five days after the filing deadline.

38. This case therefore hinges on Peterson's claims that the envelope we received was the second packet mailed to us, and that a staff member from her office originally mailed Form 131 petitions to us on August 1, 2024, which was before the filing deadline.

39. If a document that must be filed by a given date is sent via U.S. Mail but not received by the designated recipient:

> [T]he person who sent the document is considered to have filed it on or before the due date if the person:
> (1) can show *by reasonable evidence* that the document was deposited in the United States mail . . . on or before the due date; and
> (2) files a duplicate document within thirty (30) days after the date the person is notified that the document was not received.

I.C. § 6-1.1-36-1.5(c) (emphasis added).

40. Peterson did not provide reasonable evidence of mailing. She did not offer testimony from the unidentified staff member whom she claims deposited the packet in the mail. Instead, she offered only her own confusing testimony about her office's procedures for mailing documents in priority mail envelopes using postage stamps and claimed that those procedures were followed, except that her staff member did not remember to get a tracking receipt from the post office. Without more, we find Peterson's testimony insufficient.

41. More importantly, as explained in our findings, we do not find Peterson to be a credible witness. Peterson claims that she mailed two packets to us: one with her original Form 131 petitions and a second with a letter explaining that she was enclosing Form 115 determinations that she had inadvertently omitted from her first packet. But her

testimony is contradicted by the fact that the envelope we received—which Peterson claims was the second packet—did not contain a letter.

42. We therefore find that Peterson's Form 131 petitions should be dismissed as untimely.

B. Peterson entered into an enforceable agreement to settle her appeal of the Woodstone Court property's assessment.

43. The Assessor argues a second ground for dismissing one of Peterson's appeals: her appeal of the Woodstone Court property's assessment. The Assessor claims that the parties settled the appeal when they executed the Form 134 report notifying the Elkhart PTABOA that they had resolved the appeal through the informal-meeting process and the PTABOA adopted that agreement. Peterson claims she never agreed to a settlement because the Form 134 contained no values and she only consented to the Assessor's offer to consider trending the result of a prior appeal.

44. This appeal is not properly before us. If the PTABOA erred in finding the parties settled through the Form 134 when it issued the Form 115, Peterson could only challenge that decision through filing a timely appeal. As established above, Peterson did not timely appeal to us, and her appeal of the Woodstone Court property must be dismissed.[8]

45. Even if we were to consider the matter on the merits, we would find Peterson is bound by the Form 134 settlement.

46. Indiana Code § 6-1.1-15-1.2 requires assessing officials to schedule meetings with taxpayers to attempt to resolve appeals. I.C. § 6-1.1-15-1.2(a). Those officials must report the result of the meeting on a Form 134 report and forward that report to the county PTABOA. If the parties agree to resolve all the issues, the report must state the agreement and be signed by the parties. I.C. § 6-1.1-15-1.2(b). The county PTABOA then must vote on whether to accept or deny the agreed resolution. If the county

[8] Peterson did not raise any claim that her appeal was timely under I.C. § 6-1.1-15-1.1 (a)(2)-(6), and we expressly find that she has waived those claims for failing to raise them at the hearing.

PTABOA accepts the resolution, it must issue a final assessment determination adopting the resolution and vacate any scheduled hearing on the appeal. I.C. § 6-1.1-15-1.2(c).

47. Peterson and the Assessor substantially followed the statutory procedures for settling an appeal through the informal-meeting process. The Assessor filled out the Form 134 with a specific settlement proposal outlined in "Section 2." The "Assessor Comments" on page 2 clearly set forth the proposed assessed value as a settlement offer and made clear that Peterson could accept it by signing or reject it by stating her position in the "Taxpayer Comments." Peterson accepted the offer by signing the Form 134, which clearly indicated an agreement to a valuation, even if boxes were left blank in the lower part of "Section 2."

48. Peterson did not identify any mutual mistake of fact that would preclude enforcement. *See Perfect v. McAndrew*, 798 N.E.2d 470, 478 (Ind Ct. App. 2003) (explaining that the doctrine of mutual mistake renders a contract voidable where the parties share a false assumption about a vital fact that is the essence of the agreement). To the extent Peterson subjectively believed she was agreeing to something different, that belief is irrelevant. She signed the Form 134 report, which indicated that her signature would resolve the appeal on the terms specified therein. Peterson therefore objectively manifested her intent to be bound by those terms. *See Real Estate Support Servs., Inc. v. Nauman*, 644 N.E.2d 907, 910 (Ind. Ct. App. 1994) ("[T]he intent relevant in contract matters is not the parties' subjective intents but their outward manifestation of it[.]").

VI. CONCLUSION

49. Based on the preponderance of the evidence, we find that Peterson did not timely file her Form 131 petitions and that the Assessor is entitled to enforce Peterson's agreement to settle her appeal of the Woodstone Court property's assessment. We therefore dismiss all four of Peterson's appeals.

DATE: June 10, 2026

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>.