

REPRESENTATIVE FOR THE PETITIONER: Derek Pritchett, *pro se*

REPRESENTATIVE FOR THE RESPONDENT: Morgan Stewart, Chief Deputy Assessor

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**BEFORE THE  
INDIANA BOARD OF TAX REVIEW**

|                         |   |                                      |
|-------------------------|---|--------------------------------------|
| Derek Pritchett,        | ) | Petition No.: 56-012-24-1-5-01115-24 |
|                         | ) |                                      |
| Petitioner,             | ) | Parcel No.: 56-04-26-332-003.000-012 |
|                         | ) |                                      |
| v.                      | ) | County: Newton                       |
|                         | ) |                                      |
| Newton County Assessor, | ) | Township: Lake                       |
|                         | ) |                                      |
| Respondent.             | ) | Assessment Year: 2024                |

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November 17, 2025

**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. Derek Pritchett appealed the 2024 assessment of his property in Newton County. The Assessor had the burden of proof but failed to provide reliable, market-based evidence supporting any value for the subject property. Pritchett likewise failed to make a case for any specific value. Because the totality of the evidence was insufficient to support any value, the prior year’s assessment of \$397,900 is presumed correct under the burden-shifting statute.

## PROCEDURAL HISTORY

2. Derek Pritchett filed a Form 130 appeal on May 3, 2024, appealing the 2024 assessment of his property located at 7277 North 200 West in Lake Village.
3. The Newton County Property Tax Assessment Board of Appeals (“PTABOA”) held a hearing on November 21, 2024. On November 26, 2024, the PTABOA reduced the assessment to \$51,700 for land and \$392,600 for improvements for a total of \$444,300. Pritchett appealed to the Board on December 13, 2024.
4. On August 20, 2025, Dalene McMillen, the Board’s Administrative Law Judge (“ALJ”) held a telephonic hearing. Neither the Board nor the ALJ inspected the property.
5. Derek Pritchett and Chief Deputy Assessor Morgan Stewart testified under oath.
6. Pritchett offered the following exhibits:

|                           |   |
|---------------------------|---|
| Petitioner’s Ex. 1.1:     | Aerial map for the subject property,  |
| Petitioner’s Ex. 1.2:     | Subject property’s Notice of Assessment of Land and Structures / Improvement – Form 11 for January 1, 2021, |
| Petitioner’s Ex. 1.3-1.4: | 2025 subject property record card (“PRC”),  |
| Petitioner’s Ex. 2.1:     | Aerial map for 2063 West 800 North in Lake Village,   |
| Petitioner’s Ex. 2.2-2.4: | Zillow listing for 2063 West 800 North in Lake Village,   |
| Petitioner’s Ex. 2.5-2.6: | 2025 PRC for 2063 West 800 North in Lake Village,   |
| Petitioner’s Ex. 3.1:     | Aerial map for 3993 West 272 South in Morocco,  |
| Petitioner’s Ex. 3.2-3.3: | 2025 PRC for 3993 West 272 South in Morocco,  |
| Petitioner’s Ex. 4.1:     | Aerial map for 7862 North 200 West in Lake Village,   |
| Petitioner’s Ex. 4.2-4.3: | 2025 PRC for 7862 North 200 West in Lake Village,   |
| Petitioner’s Ex. 5.1:     | Aerial map for 2061 West 800 North in Lake Village,   |
| Petitioner’s Ex. 5.2-5.3: | 2025 PRC for 2061 West 800 North in Lake Village,   |
| Petitioner’s Ex. 6.1:     | Aerial map for 7359 North 200 West in Lake Village,   |

|                             |   |
|-----------------------------|---|
| Petitioner's Ex. 6.2-6.3:   | 2025 PRC for 7359 North 200 West in Lake Village,                   |
| Petitioner's Ex. 7.1:       | Aerial map for 2454 West 800 North in Lake Village,                 |
| Petitioner's Ex. 7.2-7.3:   | 2025 PRC for 2454 West 800 North in Lake Village,                   |
| Petitioner's Ex. 8.1:       | Aerial map for 6817 North 200 West in Lake Village,                 |
| Petitioner's Ex. 8.2-8.3:   | 2025 PRC for 6817 North 200 West in Lake Village,                   |
| Petitioner's Ex. 9.1:       | Aerial map for 2604 South 388 West in Morocco,                      |
| Petitioner's Ex. 9.2-9.3:   | 2025 PRC for 2604 South 388 West in Morocco,                        |
| Petitioner's Ex. 10.1-10.2: | 2025 PRC for parcel #56-10-17-300-008.002-001 (Redacted ownership), |
| Petitioner's Ex. 10.3-10.4: | 2025 PRC for 3913 West 272 South in Morocco.                        |

7. The Assessor offered the following exhibits:

|                       |   |
|-----------------------|---|
| Respondent's Ex. A:   | Assessor's office synopsis,   |
| Respondent's Ex. B:   | Five exterior photographs of the subject property,  |
| Respondent's Ex. C:   | 2023 PRC for the subject property,  |
| Respondent's Ex. D:   | 2024 PRC for the subject property,  |
| Respondent's Ex. E:   | Sixty-four interior photographs of the subject property,  |
| Respondent's Ex. F:   | Sales comparison analysis,  |
| Respondent's Ex. F-A: | PRCs for 6682 North 400 West in Lake Village,   |
| Respondent's Ex. F-B: | PRC for 2063 West 800 North in Lake Village,  |
| Respondent's Ex. F-C: | PRC for 2815 West 950 North in Lake Village,  |
| Respondent's Ex. G:   | Email between Pritchett and Newton County Assessor,   |
| Respondent's Ex. G-A: | PRC for parcel #56-10-17-300-008.002-001 (Redacted ownership),                                    |
| Respondent's Ex. H-A: | Assessor's narrative, four exterior photographs, and PRC for 7251 North 200 West in Lake Village, |
| Respondent's Ex. H-B: | Assessor's narrative, four exterior photographs, and PRC for 2061 West 800 North in Lake Village, |
| Respondent's Ex. H-C: | Assessor's narrative, four photographs, and PRC for 7565 North 200 West in Lake Village,          |
| Respondent's Ex. H-D: | Assessor's narrative, four photographs, and PRC for 6437 North 200 West in Lake Village.          |

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.

## **OBJECTIONS**

9. Pritchett objected to Respondent's Ex. F, the sales-comparison analysis, on the grounds that the information it contained was unreliable. We find this objection goes toward the weight the evidence should be given rather than its admissibility. Thus, we overrule the objection and admit the exhibit.
10. Pritchett objected to Respondent Exs. G and G-A, the e-mail and property record card, on the grounds the property record card was not accessible on the county's GIS website. But this is not a valid reason to exclude an exhibit under the rules of evidence. Thus, we overrule the objection and admit the exhibit.
11. The Assessor objected to Petitioner's Exs. 1.1 through 10.4 on the grounds that the property record cards are from 2025 rather than 2024 and the properties are not comparable to the subject property. The Assessor appears to be arguing that the exhibits are not relevant. We find the exhibits meet the minimal standard for relevance. We also find the Assessor's objections go more to the weight the evidence should be given rather than its admissibility. Thus, we overrule the objections and admit the exhibits.

## **FINDINGS OF FACT**

12. The property under appeal is a one-story frame home constructed in 2020 with a full basement located on 2.33 acres in Lake Village. Pritchett purchased the property from the builder in December of 2020 for \$362,000. *Pritchett testimony; Resp't Exs. B, D & E; Pet'r Ex. 1.3.*
13. The 2024 assessment under appeal of \$444,300 is an approximately 11.66% increase over the prior year's assessment of \$397,900. *Resp't Ex. D.*

## **RESPONDENT'S CONTENTIONS**

14. The Assessor asked to sustain the assessment. In support of this, Stewart presented a sales-comparison analysis she prepared. The analysis contains three purportedly comparable sales of properties that sold between June of 2021 and January of 2023.

Stewart made adjustments for factors such as land, above grade area, garage, exterior features, and age. After adjustment, the sale prices ranged from \$236.77/sq. ft to \$265.74/sq. ft. Applying the average price per square foot of \$263.73 to the subject property's square footage of 2,194 yielded an indicated value of \$578,620 (rounded).

*Stewart testimony; Resp't Exs. F – F-C.*

15. As additional support, Stewart testified regarding several changes to the assessment that were implemented by the PTABOA, including correcting the basement area, and changes to the gazebo and grade. *Stewart testimony; Resp't Ex. A, D & E.*

#### **PETITIONER'S CONTENTIONS**

16. Pritchett requested that his 2024 assessment reflect his December 2020 purchase price of \$362,000. *Pritchett testimony; Pet'r Exs. 1.2 & 1.3.*
17. Pritchett also pointed to a number of other properties, arguing that most were assessed below their sale prices while the subject property was assessed higher than its sale price. He further argued that not all properties in Newton County were being assessed in the same manner. *Pritchett testimony; Pet'r Exs. 3.1 – 9.3.*

#### **BURDEN OF PROOF**

18. 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).
19. 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.*

20. 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).
21. Here, the 2024 assessment under appeal was more than 5% above the prior year’s assessment. Thus, the Assessor has the burden of proof.

#### ANALYSIS

22. 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).
23. The goal of Indiana’s real property assessment system is to arrive at an assessment reflecting a property’s true tax value. 52 IAC 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 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).
24. 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 objectively verifiable, market-based evidence.” *Piotrowski v. Shelby County 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 County 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 Local Gov’t Fin.*, 854 N.E.2d 90, 95 (Ind. Tax Ct. 2006).

25. Here, the Assessor had the burden of proof and presented a sales-comparison analysis prepared by Stewart. But Stewart did not show that she complied with generally accepted appraisal principles in developing her valuation. Under the sales-comparison approach, “an opinion of market value is developed by comparing properties similar to the subject property that have recently sold, are listed for sale, or are under contract . . .” THE APPRAISAL INSTITUTE, THE APPRAISAL OF REAL ESTATE 351 (15<sup>th</sup> Ed. 2020.) The approach is premised on the notion that an opinion of market value can be supported by studying the market’s reaction to comparable and competitive properties. *Id.* Appraisers applying the approach examine market evidence using “paired data analysis, trend analysis, statistics, and other recognized and accepted techniques to identify which elements of comparison within the data set of comparable sales are responsible for value differences.” *Id.* They then use qualitative and quantitative techniques to adjust for any differences in relevant elements of comparison that affect the comparable properties’ sales prices. *Id.* at 361-65, 372-96.
26. Several techniques are available to quantify adjustments, including paired- grouped-and secondary-data analysis, statistical analysis, and capitalization of income differences. *Id.* at 371-72. Appraisers may also make cost-related adjustments. *Id.* But the value added or lost by the presence or absence of an item may not equal the cost of installing or removing it. Instead, “the market dictates the value contribution of individual components to the value of the whole.” *Id.* at 392-93.

27. In this case, the Assessor did not show Stewart had any expertise in the use of market-based evidence to value a specific property. In addition, she did little to explain how she arrived at her valuation opinion. Although she selected comparables and made adjustments to them, she did not show how she arrived at the specific amount for each adjustment. Nor did she provide any market-based evidence showing those adjustments were appropriate. While her analysis superficially mirrors the sales-comparison approach in form, it lacks the necessary substance to carry probative weight. We do not mean to imply that an appraisal by a licensed appraiser is required to prove a property's market value-in-use. Instead, we simply find a lack of market-based support for Stewart's adjustments, particularly in the absence of an appraiser's credentialed expertise.
28. The Assessor also pointed to some specifics of the assessment under the guidelines. But as discussed above, on appeal neither party may rely on the assessment regulations to prove a value, but must instead provide reliable, objectively verifiable market-based evidence. *Piotrowski* 177 N.E.3d at 132-33. Because the Assessor failed to present reliable, market-based evidence of value, she has failed to meet her burden of proof.
29. We now turn to Pritchett's evidence. Pritchett primarily argued that his assessment should be based on his 2020 purchase price of \$362,000. The purchase price of a property can often be the best evidence of its value. But in order for it to be reliable evidence, it must be affirmatively related to the valuation date. *O'Donnell* at 95. Here, Pritchett provided no reliable evidence relating the 2020 purchase price to the relevant valuation date of January 1, 2024. For that reason, we cannot rely on the purchase price to establish a value for the subject property for the 2024 assessment year.
30. Finally, it appears the Pritchett may have been challenging the uniformity and equality of his assessment as compared to the other purportedly comparable properties he presented. 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)).

31. 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 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).
32. 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 Pritchett did not demonstrate that he provided a statistically reliable sample of properties, nor did he provide reliable, market-based evidence of the subject property’s value as of the relevant valuation date. For these reasons, he has failed to show a lack of uniformity or equality in the assessment.

### CONCLUSION

33. Neither party presented any reliable evidence of value. Because the burden of proof has shifted and the totality of the evidence is insufficient to support any value, the prior year's assessment is presumed correct. Thus, we order the assessment reduced to the prior year's value of \$397,900.

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

  
Chairman, Indiana Board of Tax Review

  
Commissioner, Indiana Board of Tax Review

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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>.