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

Petitions:	**03-005-15-1-5-00090-16**
	03-005-16-1-5-00065-17
	03-005-17-1-5-00779-17
Petitioners:	**William & Lisa Schultz**
Respondent:	**Bartholomew County Assessor**
Parcel:	**03-96-09-120-000.255-005**
Assessment Years:	**2015, 2016, & 2017**

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

Procedural History

1. The Petitioners initiated their 2015, 2016, and 2017 assessment appeals with the Bartholomew County Assessor on August 10, 2015, June 23, 2016, and May 8, 2017, respectively.

2. On November 25, 2015, the Bartholomew County Property Tax Assessment Board of Appeals (PTABOA) issued its determination for the 2015 assessment year denying the Petitioners any relief.

3. On December 16, 2016, the PTABOA issued its determination for the 2016 assessment year again denying the Petitioners any relief.

4. On May 25, 2017, the Petitioners signed a Standard Form Agreement to forego the PTABOA hearing for the 2017 assessment year.

5. The Petitioners timely filed Petitions for Review of Assessment (Form 131s) for each year and elected the Board's small claims procedures.

6. Administrative Law Judge (ALJ) Patti Kindler held the Board's consolidated hearing on August 10, 2018. She did not inspect the property.

7. Certified tax representative Milo Smith appeared for the Petitioners. County Assessor Lew Wilson appeared for the Respondent. Local government representative Virginia Whipple was a witness for the Respondent. All of them were sworn.

8. The property under appeal is an attached row-type single-family residence located at 5173 Delray Drive in Columbus.

9. For the 2015 assessment year, the PTABOA determined the total assessment was $484,000 (land $50,000 and improvements $434,000). For the 2016 assessment year, the PTABOA determined the total assessment was $468,400 (land $50,000 and improvements $418,400). For the 2017 assessment year, the parties agreed the total assessment was $468,400 (land $50,000 and improvements $418,400).

10. The Petitioners requested the following total assessments:

    2015 - $357,500 (land $50,000 and improvements $307,500)
    2016 - $308,200 (land $50,000 and improvements $258,200)
    2017 - $341,700 (land $50,000 and improvements $291,700).

Record

11. The official record for this matter includes the following:

    a. A digital recording of the hearing,

    b. Exhibits:

Petitioners Exhibit 1:	2015 subject property record card,
Petitioners Exhibit 2:	2016 subject property record card,
Petitioners Exhibit 3:	2017 subject property record card,[1]
Petitioners Exhibit 5:	A list of amenities at the Villas of Stonecrest (Stonecrest),
Petitioners Exhibit 6:	A Department of Local Government Finance (DLGF) Memorandum regarding annual adjustments (trending) guidance dated February 4, 2009,
Petitioners Exhibit 7:	A copy of the DLGF's formula for calculating the neighborhood factor,
Petitioners Exhibit 8:	Spreadsheet including the parcel number, owner, address, neighborhood, sale date, sale price, assessed values for 2016, 2017, and 2018, and neighborhood factors for all the "villas" located in Stonecrest; property record cards for each property,
Petitioners Exhibit 9:	Printout from the Stonecrest website
Petitioners Exhibit 10:	Copy of the 2013 International Association of Assessing Officers' (IAAO) Standard on Ratio Studies, Appendix D page 56,
Petitioners Exhibit 11:	Two pages from the DLGF's website entitled *Neighborhood Factor Example* and *Cost Approach Neighborhood Factor Problem*,
Petitioners Exhibit 12:	Spreadsheet of Stonecrest properties with the heading *Assessors goal stated at latest meeting in the Club House was to achieve an assment (sic) equal to 98% of original cost*,

[1] The Petitioners did not offer Petitioners' Exhibit 4.

Petitioners Exhibit 13:	Spreadsheet listing Stonecrest sales used for the development of the Petitioner's neighborhood factor for 2015,
Petitioners Exhibit 14:	Spreadsheet listing Stonecrest sales used for the development of the Petitioner's neighborhood factor for 2016,
Petitioners Exhibit 15:	Spreadsheet listing Stonecrest sales used for the development of the Petitioner's neighborhood factor for 2017,
Petitioners Exhibit 16:	2015 subject property record card with the Petitioners' requested total assessment,
Petitioners Exhibit 17:	2016 subject property record card with the Petitioners' requested total assessment,
Petitioners Exhibit 18:	2017 subject property record card with the Petitioners' requested total assessment.

Respondent Exhibit A:	Curricula Vitae for Virginia Whipple and Lew Wilson,
Respondent Exhibit B:	"Statement of Professionalism,"
Respondent Exhibit C:	2014 subject property record card,
Respondent Exhibit D:	2015 subject property record card,
Respondent Exhibit D1:	2016 subject property record card,
Respondent Exhibit D2:	2017 subject property record card,
Respondent Exhibit E:	Photograph of the subject property,
Respondent Exhibit F:	Sales disclosure form dated December 29, 2014,
Respondent Exhibit G:	Document entitled "US Inflation Calculator" with Consumer Price Index Data from 1913 to 2018,
Respondent Exhibit H:	Comparison of sale prices to assessed values for Stonecrest properties,
Respondent Exhibit I:	Paired sales analysis and time adjustment calculations for the subject property including requested assessed values,
Respondent Exhibit J:	E-mail from Joe Thompson to Mr. Wilson dated August 8, 2018.

c. 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 our ALJ; and (3) these findings and conclusions.

Contentions

12. Summary of the Petitioners' case:

a. The subject property is assessed too high. The Assessor engaged in sales chasing because he based the assessments for all the properties in Stonecrest on their sale prices. Sales chasing results in assessments that are not uniform. *Smith argument.*

b. According to the Assessor, his goal was to achieve an assessment equal to 98% of each home's original cost. The Assessor's goal "does not comply with IAAO or the

Real Property Assessment Guidelines (that) the Assessor must follow." *Smith argument; Pet'r Ex. 12.*

c. The subject property is "one of 141 condominiums" located in the Stonecrest addition. All of the units are in the same neighborhood and were constructed by the same builder with similar quality and materials with the option to upgrade. The upgrades within the homes should be accounted for through the "grade factor" and not by a "manipulator" disguised as a "neighborhood factor that is based upon the sales price" and cost. The neighborhood factors for the individual units range from .99 to 1.75.[2] There are over twenty different neighborhood factors in the Stonecrest addition. The subject property is the only property receiving a neighborhood factor of 1.75. *Smith argument; Pet'r Ex. 5, 8.*

d. The Guidelines state assessed values and sale prices are to receive equal weight. The neighborhood factor is determined by dividing the total improvement sales price by the total improvement assessed value. Because a neighborhood factor is based on a neighborhood's total sales rather than individual sales, "there should only be one neighborhood factor" for the Stonecrest addition. *Smith argument; Pet'r Ex. 6, 7, 8, 11.*

e. In an effort to calculate accurate assessments, the Petitioner utilized the "DLGF's neighborhood factor example." This is accomplished by "dividing the total improvement sale price by the total improvement assessed value for the properties located in the same neighborhood found on the Geographic Information System (GIS)." For the 2015 assessment year, the Petitioner determined the neighborhood factor should have been 1.24. The 2016 neighborhood factor should have been 1.08. And the 2017 neighborhood factor should have been 1.22. *Smith testimony; Pet'r Ex. 11, 13, 14, 15.*

f. The Petitioners offered their own calculations for their requested assessments. For 2015, the Petitioners relied on the Assessor's land value of $50,000 and added an improvement value of $307,500. This figure was determined by "taking the remainder value of $248,010 times the neighborhood factor of 1.24 based upon all of the properties, not just one." Accordingly, for 2015 the total assessed value should be $357,500. *Smith testimony; Pet'r Ex. 16.*

g. For 2016, the Petitioners again relied on the Assessor's land value of $50,000 and added an improvement value of $258,200. This figure was determined "by looking at the remainder value of $239,090 times the neighborhood factor calculated for the entire neighborhood." The 2016 assessment should be $308,200. *Smith testimony; Pet'r Ex. 17.*

h. For 2017, the Petitioners again relied on the Assessor's land value of $50,000 and added an improvement value of $291,700. This figure was determined "by looking at

[2] According to Petitioners' Exhibit 8 the neighborhood factor ranges from .99 to 1.87.

the remainder value of $239,090 times 1.22." For 2017, the total assessment should be $341,700. *Smith testimony; Pet'r Ex. 18.*

i. The Respondent's Consumer Price Index (CPI) presentation is flawed. The subject property's assessment should not be increased based upon a CPI calculation applied only to the subject property. The application of the CPI to the subject property simply "because the Petitioners filed an appeal" creates an assessment that lacks uniformity when compared to the other properties in the same neighborhood. *Smith argument.*

13. Summary of the Respondent's case:

a. The assessments are not excessive. The Assessor did not engage in "sales chasing." Sales chasing is determining an assessment solely on a property's sale price. Relying on a new construction sales price is not sales chasing. The assessments for the Stonecrest neighborhood were "based upon the cost approach." In valuing these properties, the Assessor "went with the builder's cost tables," resulting in uniformity and equitability while also accounting for the various amenities within the properties. In new construction, cost is also market value. *Wilson argument; Whipple argument.*

b. When the Respondent initially relied on the methodology found in the DLGF Guidelines to establish value for these properties "the assessments were inequitable." The only way to arrive at equitable values was to use the "builder's cost approach." *Wilson testimony; Resp't Ex. F.*

c. The Stonecrest neighborhood is a unique condominium complex where the exterior of the buildings are identical. The homes all start at a base price and then the buyer can add amenities and "customize" the home. The value of the homes in Stonecrest is "dependent" on the amenities within them. These are all "B" grade properties. Adjusting the grades of the properties would not account for these extreme variations in value. There are not "100 different grades to identify each thing added" to the properties. Therefore, following the methodology from the Guidelines is not an acceptable way to establish value for the subject property or any of the properties in the Stonecrest neighborhood. *Whipple testimony; Wilson testimony; Resp't Ex. J.*

d. The subject property's November 25, 2014, sale price of $488,262 was "close enough" to its March 1, 2015, valuation date "not to require an adjustment." The most accurate way to measure value-in-use is the sale price of a property. Accordingly, the Respondent requests the, 2015 assessment be increased to $488,300. For the 2016 and 2017 assessments, the Respondent relied on a paired sales analysis listing twenty-four homes that sold, and later resold, in an effort to time-adjust the subject property's 2014 sale. The median price difference per month was .0020 and the average price difference per month was .0019. For the 2016 assessment year there was a 13-month difference resulting in an increase of 0.026 for an adjusted sale price of $500,957. For the 2017 assessment year there was a 25-month difference

resulting in an increase of 0.050 for an adjusted sale price of $512,675. *Whipple testimony; Resp't Ex. I.*

e. In support of the request for increasing the 2016 and 2017 assessments, the Respondent also determined the property's adjusted sale price by utilizing the CPI specific to each year under appeal. There was no CPI calculation presented for the 2015 assessment year. For the 2016 assessment, the Respondent "subtracted the CPI from the home's sale date of November 25, 2014, from the CPI for the January 1, 2016, assessment date, for a difference of 0.765." Next, the Respondent adjusted the 2014 sale with the CPI calculation resulting in a 2016 adjusted assessment of $491,997. For 2017, using the same formula, the Respondent determined the difference in the CPI was 6.689. When this figure was applied to the 2014 sale, the 2017 assessment equated to $520,922. While the results from the CPI calculations are "close" to the requested assessments determined using paired sales, "the paired sales analysis is a better indication of value." *Whipple testimony; Resp't Ex. G.*

Burden of Proof

14. Generally, the taxpayer has the burden to prove that an assessment is incorrect and what the correct assessment should be. *See Meridian Towers East & West v. Washington Twp. Ass'r,* 805 N.E.2d 475, 478 (Ind. Tax Ct. 2003); *see also Clark v. State Bd. of Tax Comm'rs,* 694 N.E.2d 1230 (Ind. Tax Ct. 1998). The burden-shifting statute as amended by P.L. 97-2014 creates two exceptions to that rule.

15. First, Ind. Code § 6-1.1-15-17.2 "applies to any review or appeal of an assessment under this chapter if the assessment that is the subject of the review or appeal is an increase of more than five percent (5%) over the assessment for the same property for the prior tax year." Ind. Code § 6-1.1-15-17.2(a). "Under this section, the county assessor or township assessor making the assessment has the burden of proving that the assessment is correct in any review or appeal under this chapter and in any appeal taken to the Indiana board of tax review or to the Indiana tax court." Ind. Code § 6-1.1-15-17.2(b).

16. Second, Ind. Code § 6-1.1-15-17.2(d) "applies to real property for which the gross assessed value of the real property was reduced by the assessing official or reviewing authority in an appeal conducted under IC 6-1.1-15." Under those circumstances, "if the gross assessed value of real property for an assessment date that follows the latest assessment date that was the subject of an appeal described in this subsection is increased above the gross assessed value of the real property for the latest assessment date covered by the appeal, regardless of the amount of the increase, the county assessor or township assessor (if any) making the assessment has the burden of proving that the assessment is correct." Ind. Code § 6-1.1-15-17.2(d). This change was effective March 25, 2014, and has application to all appeals pending before the Board.

17. Here, the parties agree the burden is on the Petitioners for the 2015 assessment year. Thus according to Ind. Code § 6-1.1-15-17.2 the Petitioners have the burden to prove the

2015 assessment is incorrect. The burden for the 2016 and 2017 assessment years will ultimately be determined by the Board's finding for the prior year.

Analysis

18. Real property is assessed based on its market value-in-use. Ind. Code § 6-1.1-31-6(c); 2011 REAL PROPERTY ASSESSMENT MANUAL at 2 (incorporated by reference at 50 IAC 2.4-1-2). The cost approach, the sales comparison approach, and the income approach are three generally accepted techniques to calculate market value-in-use. Assessing officials primarily use the cost approach, but other evidence is permitted to prove an accurate valuation. Such evidence may include actual construction costs, sales information regarding the subject or comparable properties, appraisals, and any other information compiled in accordance with generally accepted appraisal principles.

19. Regardless of the method used, a party must explain how the evidence relates to the relevant valuation date. *O'Donnell v. Dep't of Local Gov't Fin.*, 854 N.E.2d 90, 95 (Ind. Tax Ct. 2006); *see also Long v. Wayne Twp. Ass'r,* 821 N.E.2d 466, 471 (Ind. Tax Ct. 2005). For the 2015 assessment, the valuation date was March 1, 2015. *See* Ind. Code § 6-1.1-4-4.5(f). For the 2016 and 2017 assessments, the valuation date was January 1, 2016, and January 1, 2017, respectively. *See* Ind. Code § 6-1.1-2-1.5.

2015 Assessment

20. The Petitioners had the burden to prove the 2015 assessment was incorrect. The Petitioners mainly focused on the neighborhood factors within Stonecrest, arguing they were improperly calculated and did not comply with the Guidelines. A taxpayer who focuses on alleged errors in applying the Guidelines misses the point of Indiana's new assessment system. *O'Donnell,* 854 N.E.2d at 94-95. To successfully make a case for a lower assessment, a taxpayer 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 at 678. The only market-based evidence offered by the Petitioners was a list of sales in the Stonecrest addition in an attempt to establish that the Assessor's neighborhood factors were improperly calculated. The Petitioners' focus on the neighborhood factors failed to establish the actual market value-in-use for the subject property. The Petitioners' main argument is that the assessments are not uniform and equal because the Assessor used several different neighborhood factors to assess them.

21. 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. *See 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. *See 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)).

22. 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 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 Co. 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).

23. Similar to the taxpayer in *Westfield Golf,* the Petitioners' argument is flawed. Here, the Petitioners failed to offer a ratio study that shows the subject property is assessed above the common level of assessment. Instead, the Petitioners' argument focused on the miscalculation of the neighborhood factors, one aspect of the overall assessment. This evidence is not sufficient to demonstrate the 2015 assessment violated the requirements of uniformity and equality. The Petitioners failed to offer any other type of evidence to show that the Respondent's methodology resulted in an assessment that does not accurately reflect the subject property's market value-in-use. For these reasons, the Petitioners failed to make a prima facie case showing a lack of uniformity and equality in assessments.

24. The Petitioners also argued the assessment should be lowered because the Assessor's actions amounted to "sales chasing," an act the Petitioners claim is prohibited by Indiana's assessing guidelines.

25. "Sales chasing" or "selective reappraisal" is the "practice of selectively changing values for properties that have been sold, while leaving other values alone." *Big Foot Stores, LLC v. Franklin Twp. Ass'r,* 818 N.E.2d 623 (Ind. Tax Ct. 2009) (citing *Co. of Douglas v. Nebraska Tax Equalization and Review Comm'n,* 635 N.W.2d 413, 419 (Neb. 2001)). Here, the Respondent testified that all of the assessed values of the homes in the Stonecrest addition were based on their construction sale prices. According to the Respondent, this method was the best because it accounted for interior amenities and upgrades that were not visible from the exterior. There is no evidence the subject property's assessment increased while other properties' values remained unchanged. Nor did the Petitioners present any evidence that other properties were not similarly assessed close to their market values.

26. The Board notes that assessing properties at or near their actual market values is the goal of Indiana's market value-in-use system. *See P/A Builders & Developers v. Jennings Co. Ass'r,* 842 N.E.2d 899, 900 (Ind. Tax Ct. 2006) (recognizing that the current assessment system is a departure from the past practice in Indiana, stating that "under the old system, a property's assessed value was correct as long as the assessment regulations were applied correctly. The new system, in contrast, shifts the focus from mere methodology to determining whether the assessed value is *actually correct.*") For these reasons, the Petitioners failed to make a prima facie case for a reduction in their 2015 assessment.

2016 Assessment

27. The burden remains with the Petitioners for 2016 and they presented the same neighborhood factor evidence although it was trended to the 2016 assessment year. For the same reasons as previously stated, the Petitioners failed to make a prima facie case for a reduction in their 2016 assessment.

2017 Assessment

28. The burden remains with the Petitioners for 2017 and they presented the same neighborhood factor evidence, albeit trended to the 2017 assessment year. For the same reasons as previously stated, the Petitioners failed to make a prima facie case for a reduction in their 2017 assessment.

Respondent's Evidence

29. This does not end the Board's inquiry because the Respondent requested the assessments be increased. The Board now turns to the Respondent's evidence.

2015 Assessment

30. In an effort to justify increasing the 2015 assessment, the Respondent focused primarily on the November 25, 2014, sale price of the subject property. The Respondent is correct in asserting that a property's sale price may be compelling evidence of its true tax value, at least if the sale was at arm's length and other indicia of a market-value sale were present. The manual provides the following definition of "market value":

> [T]he most probable price, as of a specified date, in cash, or in terms equivalent to cash, or in other precisely revealed term, for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgably, and for self-interest, and assuming that neither is under undue duress.

31. The Petitioners did not attempt to argue the sale was anything less than a true market-value sale and nothing on the sales disclosure form indicated otherwise. The subject property sold for $488,262 on November 25, 2014, just a little over 3-months prior to the

March 1, 2015, valuation date. Thus, the sale is probative of the subject property's 2015 market value-in-use. For this reason, the 2015 assessment must be changed to its sale price of $488,262, rounded to $488,300 for assessment purposes.

2016 Assessment

32. For the 2016 assessment, because the sale was roughly 13-months removed from the January 1, 2016, valuation date, it was necessary for the Respondent to explain how the sale was relevant to the 2016 valuation date. *See Long*, 821 N.E.2d at 471 (stating that any evidence of value relating to a different date must have an explanation about how it demonstrates, or is relevant to, that required valuation date).

33. In an effort to support the use of the original purchase price, the Respondent first relied on the CPI to time-adjust the sale price to the January 1, 2016, valuation date. The Petitioners did not argue that the CPI was an incorrect method for adjusting the sale price. Nevertheless, the Respondent did not establish that the analysis conforms to generally accepted appraisal principles.

34. The Respondent also offered a paired-sales analysis to time-adjust the sale price. To accomplish this the Respondent offered an analysis of twenty-four homes in the Stonecrest addition that had resold since their original construction date. In doing so, the Respondent determined a median price difference per month at .0020 and an average price difference per month at .0019. The Respondent then multiplied the subject property's 13-month difference by .026 resulting in an adjusted value of $500,957. However, several problems with the paired sales analysis undermine its credibility.

35. First, although paired sales can be used to estimate a time adjustment, properties included in the analysis should be similar to the subject property in terms of location, age, and physical characteristics. This ensures that they are generally representative of the subject property's market, and therefore, are an accurate reflection of the pricing pressures affecting the subject property's market value-in-use. Here, the Respondent failed to establish that any of the paired sales were actually similar to the subject property. All of the properties included in the Respondent's analysis are from the subject property's subdivision. Nevertheless, the Respondent failed to offer any testimony regarding the various differences in interior amenities included in the properties, even though the Respondent testified repeatedly about how those amenities differ and influence each individual home's price immensely. Moreover, without supporting documentation there is no way of knowing whether the properties used in the paired sales analysis had been remodeled, upgraded or renovated or what their interior condition was at the time of the sales. The homes listed in the paired sales analysis differed in sales price by as much as $305,000. Only one other property shows a sale price that is anything close to the sale price of the subject property. Such a wide variation in sales price indicates the properties could not have all been truly comparable to the subject property. The Respondent also failed to provide any supporting documentation for the paired sales, such as their property record cards or sales disclosure forms that would reveal whether the properties have similar ages or physical characteristics. Additionally, the Board cannot confirm if the

sales transactions improperly included the value of personal property, financing, or leases, or whether they were truly open-market, arm's length transactions because of the lacking documentation. This lack of evidence leaves the Board with insufficient information to discern even the most basic characteristics of the properties and their sales.

36. Finally, the individual sale dates of the paired sales ranged from July 10, 2009, to June, 28, 2018. However, the period at issue for the 2016 assessment spans the time between the original purchase by the Petitioners on November 25, 2014, and the January 1, 2016. The Respondent failed to establish how paired sales analysis from such a broad time span is probative for the relative time differential. Furthermore, the Respondent failed to explain how this rather basic paired sales analysis complies with generally accepted appraisal principles for time adjustments. Given the numerous issues discussed herein, the Respondent failed to show that the paired sales analysis is a reliable indicator of the subject property's market value-in-use as of January 1, 2016.

37. As part of making a prima facie case, "it is the taxpayer's duty to walk the [Indiana Board and this] Court through every element of [its] analysis." *Long*, 821 N.E.2d at 471 (quoting *Clark v. Dep't of Local Gov't Fin.,* 779 N.E.2d 1277, 1282 n.4. (Ind. Tax Ct. 2002)). This requirement applies equally to an Assessor bearing the burden. Although the subject property record card was offered at the hearing, the Respondent failed to explain how the 2016 assessment was in fact calculated under the cost approach. The Respondent also failed to demonstrate the market value-in-use of the subject property through any other generally accepted valuation method. Consequently, the Board finds that the Respondent failed to offer probative evidence supporting an increase in the 2016 assessment. Accordingly, the 2016 assessment is to remain $468,400.

2017 Assessment

38. For the 2017 assessment, the Respondent presented the same paired sales analysis and CPI trended evidence as he did for the 2016 assessment year although it was adjusted it for the 2017 assessment year. For the same reasons as previously stated, the Respondent failed to make a prima facie case for increasing the 2017 assessment. Therefore the 2017 assessment is to remain $468,400.

Conclusion

39. The Petitioners had the burden for each year under appeal. For 2015, the Petitioners failed to meet their burden of proof that the assessment should be lowered. The Respondent requested that the assessment be increased to the subject property's November 25, 2014, sale price. Because the sale date was roughly 3-months prior to the 2015 valuation date, the Respondent made a prima facie case the assessment should be increased to the sale price of $488,262, rounded to $488,300. For 2016, the Petitioners again failed to meet their burden of proof that the assessment was incorrect. The Respondent requested a value higher than the current 2016 assessment but failed to meet his burden. Thus, the 2016 assessment must remain the same. For 2017, the Petitioners again failed to meet their burden of proof. The Respondent again requested a value

higher than the current 2017 assessment but failed to meet his burden. Thus, the 2017 assessment must remain the same.

Final Determination

In accordance with the above findings and conclusions, the 2015 assessment must be increased to $488,300. The 2016 and 2017 assessments will remain unchanged.

ISSUED: February 6, 2019

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Chairman, Indiana Board of Tax Review

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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>.