
**BEFORE THE
INDIANA BOARD OF TAX REVIEW**

JAMES & MAUREEN SMITH TR.	)	Petition Nos.: 82-032-23-1-1-00335-24
STEVEN & KRISTIN SMITH TR.	)	82-032-23-1-1-00336-24
	)	82-032-23-1-1-00337-24
	)	82-032-23-1-1-00338-24
	)	82-032-23-1-1-00339-24
Petitioners,	)	82-032-23-1-1-00340-24
	)	82-032-23-1-1-00341-24
	)	82-032-23-1-1-00342-24
	)	82-032-23-1-1-00343-24
)	
v.	)	Parcel Nos.: 82-11-01-010-051.006-032
	)	82-11-01-010-051.007-032
	)	82-11-01-010-051.008-032
	)	82-11-02-010-053.002-032
	)	82-11-02-010-053.004-032
	)	82-11-02-010-054.005-032
VANDERBURGH COUNTY ASSESSOR,	)	82-11-02-010-054.007-032
	)	82-11-11-010-068.002-032
	)	82-11-11-010-069.001-032
)	
Respondent.	)	Assessment Year: 2023
)	

FINAL DETERMINATION

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

Findings of Fact and Conclusions of Law

Introduction

1. While the true tax value for most types of agricultural land is determined through correctly applying assessment guidelines from the Department of Local Government Finance ("DLGF"), the true tax value of agricultural homesites and improvements can be

established only through market-based evidence. Because the assessments for all the agricultural parcels on appeal increased by more than 5% between 2022 and 2023, the Vanderburgh County Assessor had the burden of proof. He met that burden for the seven parcels that did not include homesites or improvements by offering evidence as to how the land should be assessed under the DLGF's guidelines. For the other two parcels, however, neither party offered any market-based evidence to value the homesites or improvements. Under Ind. Code § 6-1.1-15-20, we must therefore presume that the true tax value for those two parcels equals their prior year's assessment.

Procedural History

2. On June 15, 2023, Maureen Smith filed Form 130 petitions contesting the 2023 assessments of the nine above-captioned parcels. The Vanderburgh County Property Tax Assessment Board of Appeals ("PTABOA") did not hold a hearing on those petitions within 180 days. *See* Indiana Code § 6-1.1-15-1.2(d) (requiring a county PTABOA to hold a hearing within 180 days of a taxpayer filing written notice of review). On June 12, 2024, James Smith filed Form 131 petitions directly with us.¹ *See* I.C. § 6-1.1-15-1.2(k) (allowing a taxpayer to appeal to us once the maximum time for a PTABOA to hold a hearing has elapsed).
3. We initially scheduled the petitions for hearing on November 7, 2024. On October 16, 2024, James Smith emailed our office requesting a continuance of that hearing and suggested a new date of January 9, 2025. We granted his request and rescheduled the hearing for all nine parcels to January 9, 2025.
4. On December 12, 2024, Smith sent us an 11-page letter asking for another continuance, asking us to hold separate hearings by parcel groupings and stagger the hearings in

¹ The names of both James and Maureen Smith appear in the title to one of the trusts that owns the parcels. Neither Maureen nor James specified the capacity in which they were signing the appeal petitions. Presumably they are beneficiaries of the trust and possibly trustees. The Assessor did not contest their authority to sign the petitions or James' authority to prosecute the appeals at our hearing. The parties generally refer to James Smith when referencing the taxpayers. For ease of reference, we will do likewise.

intervals through April 17, 2025. Among other things, Smith wanted our ALJ to be able to email him with questions after each hearing.² We denied Smith's second request for a continuance and notified the parties that the hearing would be held as scheduled.

5. On January 9, 2025, our designated administrative law judge, Joseph Stanford ("ALJ"), held a telephonic hearing on Smith's petitions. Neither he nor the Board inspected the properties. Craig R. Emig appeared as counsel for the Assessor. Smith, James Gowen, and Cara Schuster testified under oath.
6. Smith submitted the following exhibits:
 - Petitioners Exhibit 2: Aerial photograph and "explanation" of parcel 82-11-01-010-051.007-032 with the land computation from the property record card,
 - Petitioners Exhibit 3: "Explanation" and land computations from the property record cards for all nine parcels.
7. The Assessor submitted the following exhibits:
 - Respondent Exhibit R-35A: Assessor's memorandum to the PTABOA for parcel 82-11-01-010-051.006-032,
 - Respondent Exhibit R-35B: Assessment calculations for parcel 82-11-01-010-051.006-032,
 - Respondent Exhibit R-35C: Property record card for parcel 82-11-01-010-051.006-032,
 - Respondent Exhibit R-35D: GIS map for parcel 82-11-01-010-051.006-032,
 - Respondent Exhibit R-35E: Assessment formula for parcel 82-11-01-010-051.006-032,
 - Respondent Exhibit R-36A: Assessor's memorandum to the PTABOA for parcel 82-11-01-010-051.007-032,
 - Respondent Exhibit R-36B: Assessment calculations for parcel 82-11-01-010-051.007-032,
 - Respondent Exhibit R-36C: Property record card for parcel 82-11-01-010-051.007-032,
 - Respondent Exhibit R-36D: GIS map for parcel 82-11-01-010-051.007-032,
 - Respondent Exhibit R-36E: Assessment formula for parcel 82-11-01-010-051.007-032,

² Of course, we do not engage in *ex parte* communications with a party. Any evidence or argument a party wants us to consider must be presented at the hearing with the opposing party present and given an opportunity to respond.

Respondent Exhibit R-37A: Assessor's memorandum to the PTABOA for parcel 82-11-01-010-051.008-032,

Respondent Exhibit R-37B: Assessment calculations for parcel 82-11-01-010-051.008-032,

Respondent Exhibit R-37C: Property record card for parcel 82-11-01-010-051.008-032,

Respondent Exhibit R-37D: GIS map for parcel 82-11-01-010-051.008-032,

Respondent Exhibit R-37E: Assessment formula for parcel 82-11-01-010-051.008-032,

Respondent Exhibit R-38A: Assessor's memorandum to the PTABOA for parcel 82-11-02-010-053.002-032,

Respondent Exhibit R-38B: Assessment calculations for parcel 82-11-02-010-053.002-032,

Respondent Exhibit R-38C: Property record card for parcel 82-11-02-010-053.002-032,

Respondent Exhibit R-38D: GIS map for parcel 82-11-02-010-053.002-032,

Respondent Exhibit R-38E: Assessment formula for parcel 82-11-02-010-053.002-032,

Respondent Exhibit R-39A: Assessor's memorandum to the PTABOA for parcel 82-11-02-010-053.004-032,

Respondent Exhibit R-39B: Assessment calculations for parcel 82-11-02-010-053.004-032,

Respondent Exhibit R-39C: Property record card for parcel 82-11-02-010-053.004-032,

Respondent Exhibit R-39D: GIS map for parcel 82-11-02-010-053.004-032,

Respondent Exhibit R-39E: Assessment formula for parcel 82-11-02-010-053.004-032,

Respondent Exhibit R-40A: Assessor's memorandum to the PTABOA for parcel 82-11-02-010-054.005-032,

Respondent Exhibit R-40B: Assessment calculations for parcel 82-11-02-010-054.005-032,

Respondent Exhibit R-40C: Property record card for parcel 82-11-02-010-054.005-032,

Respondent Exhibit R-40D: GIS map for parcel 82-11-02-010-054.005-032,

Respondent Exhibit R-40E: Assessment formula for parcel 82-11-02-010-054.005-032,

Respondent Exhibit R-41A: Assessor's memorandum to the PTABOA for parcel 82-11-02-010-054.007-032,

Respondent Exhibit R-41B: Assessment calculations for parcel 82-11-02-010-054.007-032,

Respondent Exhibit R-41C: Property record card for parcel 82-11-02-010-054.007-032,

Respondent Exhibit R-41D: GIS map for parcel 82-11-02-010-054.007-032,

Respondent Exhibit R-41E: Assessment formula for parcel 82-11-02-010-054.007-032,

Respondent Exhibit R-42A: Assessor's memorandum to the PTABOA for parcel 82-11-11-010-068.002-032,
Respondent Exhibit R-42B: Assessment calculations for parcel 82-11-11-010-068.002-032,
Respondent Exhibit R-42C: Property record card for parcel 82-11-11-010-068.002-032,
Respondent Exhibit R-42D: GIS map for parcel 82-11-11-010-068.002-032,
Respondent Exhibit R-42E: Assessment formula for parcel 82-11-11-010-068.002-032,
Respondent Exhibit R-43A: Assessor's memorandum to the PTABOA for parcel 82-11-11-010-069.001-032,
Respondent Exhibit R-43B: Assessment calculations for parcel 82-11-11-010-069.001-032,
Respondent Exhibit R-43C: Property record card for parcel 82-11-11-010-069.001-032,
Respondent Exhibit R-43D: GIS map for parcel 82-11-11-010-069.001-032,
Respondent Exhibit R-43E: Assessment formula for parcel 82-11-11-010-069.001-032.

8. The record also includes the following: (1) all petitions or other documents filed in these appeals, (2) all notices and orders issued by the Board or the ALJ, and (3) an audio recording of the hearing.

Objections

9. Smith repeatedly objected to proceeding with the hearing and argued that our denial of his second continuance request left him insufficient time to prepare his case and exhibits and to consider hiring an attorney, all of which he called "a travesty of justice." *Smith argument*. We disagree. Smith himself proposed the hearing date in his first continuance request. In any case, Smith filed his appeals with us on June 12, 2024. That gave him six months, including two months after the first scheduled hearing date of November 7, 2024, to prepare his case. We therefore overrule Smith's objection.
10. Smith also objected to all the Assessor's exhibits. The Assessor offered separate exhibit packets for each parcel under appeal. Each packet contains five subparts. The nature of the documents is the same for each packet, but the information is parcel specific. Subpart A is a memorandum and property record card that one of the Assessor's witnesses, Cara

Schuster, prepared and emailed to Smith in May 2024, and to which Smith referred in attachments to his Form 131 petitions. Subpart B is a spreadsheet the Assessor's other witness, James Gowen, prepared showing the division of each parcel into different classifications by soil content and agricultural land type, together with measured areas for each of those classifications. Subpart C is another copy of the property record card. Subpart D is a GIS map with overlays prepared by Gowen indicating land and soil types within the parcel. Finally, Exhibit E contains spreadsheets prepared by Gowen and Schuster. Those spreadsheets calculate values by applying soil productivity factors and influence factors to the corresponding soil types and agricultural land types for each measured area.

11. To support his objection, Smith first claimed that he never received the exhibits. Counsel for the Assessor, however, indicated that they were emailed to Smith on January 7, 2025, two days before the hearing. Smith did not dispute that claim, saying he had not checked his email. Nonetheless, Smith argued that exchanging exhibits just two days before the hearing did not comply with our procedural rules. The ALJ took Smith's objection under advisement.
12. We overrule the objection. Our procedural rules require parties to exchange witness and exhibit lists at least 15 business days before a hearing and to exchange copies of their documentary evidence at least five business days before the hearing. 52 IAC 4-8-1(b). The exchange requirements allow parties to be better informed and to avoid surprises, and they promote an organized, efficient, and fair consideration of the issues at the hearing. Failure to comply with their requirements "*may*" serve as grounds for excluding evidence. 52 IAC 4-8-1(f) (emphasis added). We may also waive the exchange deadlines for materials that were "previously tendered" to a party. 52 IAC 4-8-(d)(1).
13. We waive the exchange requirement for Subpart A, which was sent to Smith months before the hearing. And subpart C is just the parcel's property record card, which is already included in Subpart A.

14. The Assessor, however, did not timely exchange or previously tender the other subparts. Had the Assessor offered them for independent substantive purposes, we might be inclined to sustain Smith's objection. But the Assessor instead offered those documents to illustrate and expedite his witnesses' testimony. That is particularly true for the spreadsheets in subparts B and E. They were prepared by those witnesses and reflect calculations and other determinations the witnesses otherwise testified to. Smith neither claimed that the Assessor failed to timely disclose those witnesses nor made any other valid objection to the substance of their testimony.³ We therefore admit the Assessor's exhibits over Smith's objection.

Findings of Fact

15. The parcels' individual assessments each increased by more than 5% between 2022 and 2023:

Parcel No.	2022	2023	Change
82-11-01-010-051.006-032	\$43,100	\$54,500	26.45%
82-11-01-010-051.007-032	\$303,600	\$354,400	16.73%
82-11-01-010-051.008-032	\$31,400	\$39,700	26.43%
82-11-02-010-053.002-032	\$64,500	\$81,700	26.67%
82-11-02-010-053.004-032	\$68,500	\$86,800	26.72%
82-11-02-010-054.005-032	\$47,100	\$59,600	26.54%
82-11-02-010-054.007-032	\$141,600	\$179,500	26.77%
82-11-11-010-068.002-032	\$16,300	\$20,600	26.38%
82-11-11-010-069.001-032	\$47,800	\$52,600	10.04%
Totals	\$763,900	\$929,400	21.67%

Exs. R35A – R43A.

16. Seven of the nine parcels under appeal consist of land only. Parcel 82-11-01-010-051.007-032 has a single-family home as well as several other improvements, including

³ Smith did object to a portion of Gowen's testimony on grounds that what Gowen testified to "is not true." The ALJ overruled Smith's objection, explaining that Smith would have the opportunity to cross-examine Gowen. We adopt his ruling.

barns, silos, and grain bins. Parcel 82-11-11-010-069.001-032 also has a single-family home and three utility sheds. The land from each parcel was classified under various agricultural types. *Exs. R-35C – R-43C.*

17. After Smith appealed the assessments, the Assessor's GIS specialist, James Gowen, reviewed all of the parcels to determine their proper classification. He created overlays or "layers" of aerial GIS maps to identify the boundaries of the areas that were woodland, were under the Ohio River or otherwise nontillable, were tillable land that floods severely, were within a one-acre homesite, or were roadways. He drew polygons for those areas in order to measure their acreage. *Gowen testimony.*
18. Gowen also downloaded a layer from the State depository for GIS data that depicts soil types. Each soil type has a productivity factor that is calculated from detailed soil maps published by the U.S. Department of Agriculture. Those productivity factors are loaded into the Assessor's INCAMA computer system that is used to calculate assessments. Gowen again drew polygons to measure the area covered by each soil type. *Gowen testimony.*
19. Gowen created a spreadsheet for each parcel that includes the measured acreage for each land and soil type for those areas. *Gowen testimony; Schuster testimony; Exs. R35A, E – R43A, E.*
20. Cara Schuster, the Assessor's PTABOA deputy, used Gowen's information and the Assessor's INCAMA system to determine an appropriate land assessment for each parcel. For all areas other than the one-acre homesites, the calculation started with the statewide base rate determined by the DLGF. The INCAMA system then adjusted that rate using the productivity factor for the soil type within the areas that Gowen identified. For the areas that were composed of woodland, nontillable land, or tillable land that floods severely, the system applied a corresponding negative influence factor from the DLGF's

assessment guidelines: -80% for woodland, -60% for nontillable land, and -50% for land that frequently floods. *Gowen testimony; Schuster testimony.*

21. For areas that were within public roads, Schuster applied a -100% influence factor. She also subtracted those areas from the parcel's acreage to arrive at total farmland acreage, as did the Assessor in computing the original 2023 assessments. *See Pet'r Ex. 3; Exs. R35A – R43A.*
22. Five parcels had a small amount of land that was under the Ohio River and that Gowen classified as un-tillable. For those areas, the INCAMA system multiplied the agricultural base rate (\$1,900/acre) by a soil productivity factor of one and applied a -60% influence factor. As discussed more fully below, however, the DLGF's 2021 Real Property Assessment Guidelines provide that land under running water should be categorized as Type 72 land and valued using a productivity factor of 0.5 and a -40% influence factor. In most cases the difference was negligible:

Parcel Number	River Acreage	INCAMA Value	Correct Calculation	Correct Value (Rounded)	Difference
82-11-01-010-051.007-032	2.7813 acre	\$2,110	$2.7813 \times \$1,900 \times .5 \times .6$	\$1,590	\$520
82-11-01-010-051.008-032	.0510 acre	\$40	$.0510 \times \$1,900 \times .5 \times .6$	\$30	\$10
82-11-01-010-054.005-032	.0687 acre	\$50	$.0687 \times \$1,900 \times .5 \times .6$	\$40	\$10
82-11-01-010-068.002-032	.2965 acre	\$230	$.2965 \times \$1,900 \times .5 \times .6$	\$170	\$60
82-11-01-010-069.001-032	.5213 acre	\$400	$.5213 \times \$1,900 \times .5 \times .6$	\$300	\$100

Gowen testimony; Ex. R-36A-B, E; Ex. R-37A-B, E; R-40A-B, E; R-42A-B, E; R-43A-B, E.

23. Because Gowen's measurements were not identical to those the Assessor used to compute the original 2023 assessments, the new computed values differed from those assessments. In some cases, the new measurements led to a slightly higher value for a parcel, while in other cases they led to a lower value:

Parcel No.	Assessment	Revised Value
82-11-01-010-051.006-032	\$54,500	\$57,400
82-11-01-010-051.007-032	\$354,400	\$279,900
82-11-01-010-051.008-032	\$39,700	\$39,200
82-11-02-010-053.002-032	\$81,700	\$82,500
82-11-02-010-053.004-032	\$86,800	\$85,800
82-11-02-010-054.005-032	\$59,600	\$55,800

82-11-02-010-054.007-032	\$179,500	\$181,800
82-11-11-010-068.002-032	\$20,600	\$19,300
82-11-11-010-069.001-032	\$52,600	\$54,300
Totals	\$929,400	\$856,000

Shuster testimony; Exs. R-35A – R-43A.

Parties' Contentions

A. Smith's Contentions

24. Smith primarily argued that all of the parcels were improperly assessed as exclusively tillable land. For support, he pointed to the portions of the property record cards that list total farmland, which he equated with "cropland" and "tillable" land. Smith concluded that he was being assessed for 51.45 more acres of tillable land than he actually had.

Smith argument and testimony; Pet'r Exs. 2-3.

B. The Assessor's Contentions

25. According to the Assessor, Smith fundamentally misunderstands how agricultural land is assessed. He improperly conflated all the agricultural land classifications the Assessor used with "tillable" land. The Assessor requested that the parcels' assessments be changed to reflect the values computed using Gowen's classifications and measurements. That would reduce the total assessment for the nine parcels to \$856,000, which is a decrease of \$73,400. *Emig argument.*

Conclusions of Law and Analysis

A. The Assessor had the burden of proving the parcels' true tax value.

26. Generally, a taxpayer has the burden of proof when challenging a property's 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." I.C. § 6-1.1-15-20(a) (effective March 21, 2022).

27. 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.* Those exceptions apply where the assessment under appeal is based on "(1) substantial renovations or new improvements; (2) zoning; or (3) uses" that were not considered in the prior year's assessment. I.C. § 6-1.1-15-20(d). 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).
28. As we already discussed, each parcel's assessment increased by more than 5% from 2022 to 2023. The Assessor argued that the increases were directly related to the DLGF raising the base rate for agricultural land. *Emig argument.* But he offered no evidence to support that claim. Regardless, an increase in the agricultural base rate is not one of the three enumerated exceptions to the burden shifting rule laid out in Ind. Code § 6-1.1-15-20. We therefore find that the Assessor has the burden of proof.

B. The Assessor proved the true tax value for the seven unimproved parcels, but the totality of the evidence failed to show the true tax value for the other two parcels, which we must presume equals the previous year's assessment.

29. We are the trier of fact in property tax appeals, and our 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 us. I.C. § 6-1.1-15-20(f). Our conclusion "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).

30. 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).
31. For land devoted to agricultural use, true tax value must be determined in accordance with the DLGF’s Real Property Assessment Guidelines and Ind. Code § 6-1.1-4-13. 2021 REAL PROPERTY ASSESSMENT MANUAL at 2 (“In the case of agricultural land, true tax value shall be the value determined in accordance with the Guidelines adopted by the [DLGF] and IC 6-1.1-4-13.”) The Guidelines classify agricultural land types. For most of those classifications, the land must be assessed using a statewide base rate for each year, which assessors then adjust based on soil productivity. *See* 2021 REAL PROPERTY ASSESSMENT GUIDELINES, ch. 2 at 77-78.
32. Depending on the type of agricultural land at issue, Assessors must also apply influence factors in predetermined amounts. Relevant to these appeals, land types receiving influence factors include:

Type/Subtype	Description	Influence Factor
Type 5	Nontillable land. This is “land covered with brush or scattered trees with less than 50% canopy cover, or permanent pastureland with natural impediments that deter the use of the land for crop production.”	-60%
Type 42	This is tillable land where “damaging floods occur five times or more in a 10-year period.”	-50%
Type 6	Woodland. This is “land supporting trees capable of producing timber or other wood products” that has “50% or more canopy cover or is a permanently planted reforested area.”	-80%
Type 72	This is “[l]and covered by a farm pond or running water.” It is assessed using a soil-productivity factor of .5.	-40%

Also relevant to these appeals, the right-of-way area dedicated for a public road must be deducted from the total parcel acreage. *Id.* at 85-90, 98-99.

33. For non-agricultural property types, 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.” MANUAL at 2. For those property types, neither the taxpayer nor the assessor may rely on the mass appraisal “methodology” of the “assessment regulations.” *P/A Builders & Developers, LLC v. Jennings Cty. Ass’r*, 842 N.E.2d 899, 900 (Ind. Tax Ct. 2006). They instead “must present objectively verifiable, market-based evidence” of the property’s value. *Piotrowski v. Shelby Cty. 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)). This is because the “formalistic application” of the procedures and schedules from the DLGF’s assessment guidelines lacks the market-based evidence necessary to establish a specific property’s market value-in-use. *Piotrowski*, 177 N.E.3d at 133.
34. Thus, in appeals of some agricultural properties, the parties are faced with a hybrid regime for proving true tax value. Land devoted to agricultural use, such as tillable and nontillable land and woodlands, must be valued using the soil-productivity method, and the parties’ evidence must conform to the Guidelines. But for improvements, including homes, the parties must offer market-based evidence to establish market value-in-use. That is also true for land used as an agricultural homesite (Type 9), which the Guidelines define as one acre per dwelling on agricultural land, and “agricultural excess acres” (Type 92), which consists of land that “is presently dedicated to a non-agricultural use normally associated with the homesite.” GUIDELINES at 90. Those two nominally agricultural land types are valued in the same way as residential land instead of through the soil productivity method. *See id.* at 5-13, 90 (explaining that agricultural homesites and agricultural excess acreage are not valued using the soil-productivity method but are instead valued using base rates established through sales data).

1. Gowen's and Schuster's measurement and classification of the land and their application of the Guidelines sufficed to prove the true tax value for the seven unimproved parcels.
35. Seven of the nine parcels under appeal consist solely of agricultural land. The Assessor met his burden of proof for those parcels through detailed testimony from his deputy assessors. Between them, Gowen and Shuster demonstrated that they (1) reviewed aerial maps and used overlays to measure and classify the parcels between land types and soil types, and (2) applied the state-mandated base rate, soil-productivity factors, and influence factors to each area within the parcels. With the exception of small areas within three of the parcels that were under the Ohio River, Gowen and Schuster correctly applied the Guidelines.
36. For two of the three parcels with a discrepancy in valuing land under the river (82-11-01-010-051.008-032 and 82-11-01-010-054.005-032), the difference between the Assessor's proffered valuation and the correct valuation under the Guidelines was only \$10. That amount is nominal, given that assessments are rounded to the nearest \$100. GUIDELINES at 100. For the third parcel (82-11-01-010-068.002-032), the difference was \$60, and we can determine the parcel's correct true tax value by adjusting the Assessor's proffered valuation downward by \$100.
37. Smith offered no probative evidence to impeach or rebut the values determined by Gowen and Schuster for the seven unimproved parcels. Despite his complaints regarding a lack of time to prepare his case, Smith knew of the Assessor's proposed revised values for more than eight months before the hearing, but he offered no alternate Guidelines-based assessment calculations of his own. Instead, he argued that the Assessor in the original assessments, and Gowen and Schuster in their revised valuations, improperly valued the parcels as consisting entirely of tillable land. Ignoring detailed explanations to the contrary, Smith based his belief on the fact that the property record cards listed the entire acreage for each parcel as "farmland," which he incorrectly interpreted to mean that the parcels were assessed exclusively as tillable land.

38. Based on Gowen's and Schuster's analysis under the Guidelines, as adjusted in one instance to account for the correct valuation of land under the Ohio River, we find that the Assessor proved the true tax value for the seven unimproved parcels.
2. Because the parties offered no probative market-based evidence to show the true tax value for the two improved parcels, we must presume their true tax value equals the prior year's assessment.
39. The Assessor, however, did not offer sufficient probative evidence from which to determine the true tax value for the two parcels that include homesites and improvements. As explained above, he needed to use a hybrid valuation approach for those parcels. Part of that hybrid approach required him to offer market-based evidence to prove the market value-in-use of the homesites and improvements. Because the Assessor did not offer any such market-based evidence, he failed to meet his burden of proving the true tax value for either parcel. And Smith offered no probative valuation evidence of his own. Under Ind. Code § 6-1.1-15-20(f), we must therefore presume that the true tax value for those two parcels equals the previous year's assessment.

Conclusion

40. The Assessor had the burden of proof. For the seven parcels that consist exclusively of agricultural land without a homesite or improvements, the Assessor offered sufficient evidence under the Guidelines to establish each parcel's true tax value, albeit with a \$100 downward adjustment to one parcel where his evidence did not properly account for land under the Ohio River. For the remaining two parcels, the totality of the evidence did not suffice to prove their true tax value, and we must presume their true tax value equals the prior year's assessment. We therefore order the nine parcels' 2023 assessments to be changed to the following values:

Parcel No.	Value
82-11-01-010-051.006-032	\$57,400
82-11-01-010-051.007-032	\$303,600 ⁴

⁴ This is the 2022 value we must presume is correct.

82-11-01-010-051.008-032	\$39,200
82-11-02-010-053.002-032	\$82,500
82-11-02-010-053.004-032	\$85,800
82-11-02-010-054.005-032	\$55,800
82-11-02-010-054.007-032	\$181,800
82-11-11-010-068.002-032	\$19,200 ⁵
82-11-11-010-069.001-032	\$47,800 ⁶
Total	\$873,100

Date: April 8, 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 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>.

⁵ This is the Assessor's revised value adjusted downward by \$100 to account for the proper treatment of land under the Ohio River.

⁶ This is the 2022 value we must presume is correct.