

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

Petition No.: 49-101-23-1-5-01009-24
49-101-22-1-5-01008-24
Petitioner: Cynthia Theadford
Respondent: Marion County Assessor
Parcel No.: 1016462
Assessment Year: 2022 and 2023

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

PROCEDURAL HISTORY

1. Cynthia Theadford (“Theadford”) appealed the 2022 and 2023 assessments of her property located at 843 North California Street in Indianapolis on April 14, 2023. The Marion County Property Tax Assessment Board of Appeals (“PTABOA”) issued their final determinations as follows:

Year	Issued	Land	Improvements	Total
2022	September 27, 2024	\$27,500	\$232,500	\$260,000
2023	September 27, 2024	\$45,600	\$241,800	\$287,400

2. Theadford filed her Form 131 Petitions appealing the 2022 and 2023 PTABOA Determinations on October 29, 2024, electing to proceed under our small claims procedures. On April 30, 2025, Natasha Marie Ivancevich, our designated administrative law judge (“ALJ”), held an in-person hearing. Neither she nor the Board inspected the property.
3. Theadford appeared *pro se* and testified under oath. Shirley Wiker and Melissa Tetrick from the Marion County Assessor’s office appeared for the Marion County Assessor and testified under oath.

RECORD

4. Theadford submitted the following exhibits:

Petitioner’s Ex. A: 839-847 California St. Assessment Comparison
Petitioner’s Ex. B: 800 Block California St. Assessment Comparison

5. The Assessor submitted the following exhibits:

Respondent’s Ex. A: Remodel Effective Age Guidelines

Respondent's Ex. B: Effective Age Worksheet
Respondent's Ex. C: Settlement Letter
Respondent's Ex. D: Certificate of Appropriateness
Respondent's Ex. E: Notice of Review
Respondent's Ex. F: Notice of Review
Respondent's Ex. G: Communication from Contractor
Respondent's Ex. H: Subject property plans
Respondent's Ex. I: Pictures of subject property
Respondent's Ex. J: DLGF Memo
Respondent's Ex. K: 2021 Sales Information
Respondent's Ex. L: 2022 Sales Information
Respondent's Ex. M: 2022 Sales Information

6. The official record also includes: (1) all pleadings, briefs, motions, and documents filed in this appeal; (2) all notices and orders issued by the Board or our ALJ; and (3) an audio recording of the hearing.

OBJECTIONS

7. Theadford objected to the admission of Respondent's Ex. B, the Effective Age Worksheet, on the grounds that the effective age should not be 1981, the percentages were not specific, and that it was not based on the individual home. Theadford's objections do not provide any legal basis for excluding the exhibit. Rather, they go toward the weight the evidence should be given rather than its admissibility. Thus, we overrule the objections and admit the exhibit.
8. Theadford objected to the admission of Respondent's Exs. K and L, compiled sales information, because some of the properties listed are new construction and not like her property. Theadford's objections do not provide any legal basis for excluding the exhibits. Rather, they go toward the weight the evidence should be given rather than its admissibility. Thus, we overrule the objections and admit the exhibits.
9. The Assessor objected to both of Theadford's exhibits, the assessment comparisons, on the grounds that the Assessor's office did not receive a copy of the exhibits prior to the hearing. Under our small claims rules, a party is required to exchange exhibits only if requested. 52 IAC 4-8-2. The Assessor did not establish that he requested an exhibit exchange. Thus, we overrule the objections and admit the exhibits.

FINDINGS OF FACT

10. The property is a historic home built in 1920 and located in a historic district in Indianapolis. Because the home is located in a historic district, it is required to be maintained to a specific standard. *Theadford testimony; Wiker testimony.*

11. On September 5, 2020, the home caught fire. The fire caused damage to portions of the home's exterior and interior including the roof, siding, windows, and walls. The repairs began in 2021, approximately six months after the fire. These repairs included the replacement of the roof and repairing other fire damage. In addition, other components of the home were repaired or updated at the same time. This included bringing some items up to code, replacing areas with dry rot, and changing the house from a window air conditioner to central air. Theadford received approximately \$134,000 from her insurance company to complete the repairs. *Theadford testimony; Wiker Testimony.*
12. The 2022 assessment under appeal of \$260,000 is an approximately 143% increase over the prior year's assessment of \$106,700. The 2023 assessment of \$287,400 is an approximately 10% increase over the prior year's assessment of \$260,000.

PARTIES' CONTENTIONS

A. Theadford's Contentions

13. Theadford argued that because of the damage from the fire, the home should only be valued at the cost of the repairs, which was approximately \$134,000. *Theadford testimony.*
14. Next, Theadford pointed to homes she claimed were similar to the subject property but had lower assessments. She contended that one neighboring property is assessed at a lower value despite having a similar style and condition. She also argued that the other neighboring property is assessed at a lower value even though it is a two-story home with a garage situated on a corner lot. *Theadford testimony; Pet'r Exs. A, B.*
15. Lastly, Theadford argued that it is not fair or uniform to use values from newer homes to set the value of an older home like the subject property. She also argued that her assessment was not fair or equitable because similar homes were assessed much lower. *Theadford testimony; Pet'r Exs. A, B.*

B. Assessor's Contentions

16. The Assessor argued that the \$134,000 cost to repair the home did not represent the full value of the home because the entire home did not require repairs. *Tetrick testimony.*
17. In addition, the Assessor argued that the goal of the mass appraisal process is to get uniform assessments using the characteristics of the property as well as ratio studies and the trending process. The Assessor argued that the assessments under appeal correctly accounted for the new repairs and renovations. For these reasons, the Assessor requested the Board to uphold the current assessments. *Wiker testimony; Tetrick testimony.*

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.” I.C. § 6-1.1-15-20(a).
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.* This does not apply if the increased assessment is based on substantial renovations or new improvements, zoning, or uses that were not considered in the assessment for the prior tax year. I.C. § 6-1.1-15-20(d).
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 2022 assessment increased more than 5% above the 2021 assessment. Theadford argued that the burden of proof should be on the Assessor. The Assessor argued that Theadford should have the burden of proof because the 2022 assessment was based on the removal of building permits. The ALJ made a preliminary determination that the burden was on the Assessor.
22. Having the benefit of the entire record, we find that the burden shifting provisions of I.C. § 6-1.1-15-20 were not triggered because the increase in assessment was based on substantial renovations that were not considered in the prior year’s assessment. The evidence shows that due to the fire, the subject property was significantly repaired and updated after the 2021 assessment date. Some components, such as the roof, were replaced entirely. There were also new features added, including central air. The \$130,000 in repairs were extensive: new windows, new roof, and corrections to bring the house up to code. We find that these renovations are the type of substantial renovations the legislature had in mind when drafting this exception to the burden-shifting statute. Thus, the current 2022 assessment of \$260,000 is presumed correct and Theadford has the burden to prove a different value.
23. The burden of proof for 2023 necessarily depends on our determination for 2022. As it stands now, the 2023 assessment is more than 5% above the 2022 assessment. In addition, there is no evidence of substantial renovations or new improvements between the 2022 and 2023 assessment dates. As discussed below, we find the 2022 assessment stands. Thus, the Assessor has the burden of proof for the 2023 assessment year.

ANALYSIS

24. Neither party provided reliable evidence of value for the years under appeal.
- a) 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).
 - b) 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, true tax value is found 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). The DLGF defines true tax value as “market value-in-use,” which it in turn defines as “[t]he market value-in-use of a property for its current use, as reflected by the utility received by the owner or by a similar user, from the property.” 2021 REAL PROPERTY ASSESSMENT MANUAL at 2.
 - c) To meet its burden of proof, a party “must present objectively verifiable, market-based evidence” of the 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)). For most real property types, neither the taxpayer nor the assessor may rely on the mass appraisal “methodology” of the “assessment regulations.” *PIA Builders & Developers, LLC v. Jennings Cty. Ass’r*, 842 N.E.2d 899, 900 (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.
 - d) Market-based evidence may include “sales data, appraisals, or other information compiled in accordance with generally accepted appraisal principles.” *Peters v. Garoffolo*, 32 N.E.3d 847, 849 (Ind. Tax Ct. 2015). Relevant assessments are also admissible, but arguments that “another property is ‘similar’ or ‘comparable’ simply because it is on the same street are nothing more than conclusions . . . [and] do not constitute probative evidence.” *Marinov v. Tippecanoe Cty. 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. Dep’t of Local Gov’t Fin.*, 854 N.E.2d 90, 95 (Ind. Tax Ct. 2006). For the 2022 and 2023 assessments, the valuation dates were January 1 of the respective years. I.C. § 6-1.1-2-1.5(a).
 - e) Here, Theadford has the burden of proof and argued that the 2022 assessment should be \$134,000 based on the cost of the repairs. But as the Assessor points out, this figure represented only the cost to repair the property, not the total value of the

property. It did not include the value of the land, nor does it represent a value for any of the components that did not need repaired. For that reason, we find that it is not reliable evidence for the value of the entire property.

- f) Next, Theadford pointed to other purportedly comparable properties that were assessed at lower values. But a party offering sales or assessment data must use generally accepted appraisal or assessment practices to show that the purportedly comparable properties are comparable to the property under appeal. *Long v Wayne Township Ass'r*, 821 N.E.2d 466, 471 (Ind. Tax Ct. 2005). Conclusory statements that properties are “similar” or “comparable” do not suffice. Instead, parties must explain how the properties compare to each other in terms of characteristics that affect market value-in-use. *Id.* at 471. They must similarly explain how relevant differences affect values. *Id.* Here, Theadford did not offer the type of analysis contemplated by *Long*. She did not meaningfully analyze the relevant differences between the purportedly comparable properties and the subject property, nor did she provide reliable evidence quantifying the effect those differences had on value. Without such analysis, this evidence is insufficient to support any reduction in the assessment.
- g) Finally, Theadford argued that her assessment was not fair, uniform, or equitable as compared to other purportedly similar properties. We take this as a challenge to the uniformity and equality of the assessment as mandated by I.C. § 6-1.1-2-2 and Article 10 of the Indiana Constitution. 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)).
- h) 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 Assessor*, 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).

- i) 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 Theadford did not demonstrate that she provided a statistically reliable sample of properties, nor did she provide objectively verifiable market-based evidence for the value of the subject property or the purportedly comparable properties. For these reasons, she has failed to show she is entitled to any relief on these grounds.
- j) Thus, we find Theadford failed to make a case for any change in the 2022 assessment. The Assessor did not request a different value or present any market-based evidence of value. Thus, we find the 2022 assessment must remain at \$260,000.
- k) As discussed above, the 2023 assessment is more than 5% above the 2022 assessment and the Assessor has the burden of proof. Like the taxpayer, the Assessor may not rely on the assessment regulations to prove a value, but must instead provide reliable, objectively verifiable market-based evidence. *Piotrowski* at 132-33. But the Assessor did not provide any market-based evidence, and instead only argued that the regulations were correctly applied. This is insufficient. Thus, the Assessor failed to meet his burden of proof for the 2023 assessment year. Theadford provided the same evidence and arguments for 2023 as she did for 2022, and we reach the same conclusions. Because the totality of the evidence is insufficient to support any value, the 2023 assessment is presumed to equal the prior year’s value of \$260,000. I.C. § 6-1.1-15-20(f).

FINAL DETERMINATION

- 25. Neither party presented probative evidence supporting a value for the subject property for either year under appeal. Because the burden-shifting statute was not triggered for the 2022 assessment year, the assessment remains unchanged at \$260,000. For 2023, the burden shifting statute is triggered and that assessment must revert to the prior year’s assessment. Thus, we order the 2023 assessment reduced to \$260,000.

ISSUED: July 28, 2025


Chairman, Indiana Board of Tax Review


Commissioner, Indiana Board of Tax Review

Commissioner, Indiana Board of Tax Review

- APPEAL RIGHTS -

You may petition for judicial review of this final determination under the provisions of Indiana Code § 6-1.1-15-5 and the Indiana Tax Court's rules. To initiate a proceeding for judicial review you must take the action required not later than forty-five (45) days after the date of this notice. The Indiana Code is available on the Internet at <<http://www.in.gov/legislative/ic/code>>. The Indiana Tax Court's rules are available at <<http://www.in.gov/judiciary/rules/tax/index.html>>.