

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

**Petition No.:** 12-001-22-1-5-00498-23  
**Petitioner:** Kelly James Baker  
**Respondent:** Clinton County Assessor  
**Parcel No.:** 12-10-14-354-002.000-001  
**Assessment Year:** 2022

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

**PROCEDURAL HISTORY**

1. Kelly James Baker contested the 2022 assessment of his property located at 1701 S. Alhambra Avenue, Frankfort, Indiana. On July 6, 2023, the Clinton County Property Tax Assessment Board of Appeals (“PTABOA”) issued a final determination valuing the property at \$166,500 (land at \$70,900 and improvements at \$95,600).
2. Baker timely filed a Form 131 petition with the Board and elected to proceed under our small claims procedures. On October 25, 2023, Tammy Sierp, our designated administrative law judge (“ALJ”) held a telephonic hearing on Baker’s petition. Neither she nor the Board inspected the property.
3. Baker and Clinton County Assessor Jada Ray appeared pro se and testified under oath.

**RECORD**

4. Baker submitted the following exhibit:  

Petitioner Exhibit 1: Wolfe Appraisal dated June 28, 2021
5. The Assessor submitted the following exhibits:  

Respondent Exhibit 1: Assessor’s Contentions  
Respondent Exhibit 2: Pictures of subject property  
Respondent Exhibit 3: J.D. Power Used Manufactured Home Value Report
6. The official record for this matter also includes the following: (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.

## FINDINGS OF FACT

7. The subject property is located at 1701 S. Alhambra Avenue, Frankfort, Indiana. It consists of a 1,236-square foot residential house, a storage building, and three mobile homes situated on approximately 6.47 acres of land. One of the mobile homes has a concrete foundation system, another has a concrete slab, and the last one has a crawl space with 30” metal or vinyl skirting. *Baker testimony; Ray testimony; Pet’r Ex. 1; Resp’t Exs. 1, 2, 3.*
8. The Estate of James E. Baker engaged Jeffrey B. Wolfe, a certified residential appraiser, to appraise the market value of the subject property. Wolfe developed an opinion of value using the sales comparison approach, and he certified that his appraisal complies with the Uniform Standards of Professional Appraisal Practice (“USPAP”). He selected six comparable properties that sold between October 2019 and June 2021 for prices ranging from \$129,900 to \$189,900. Wolfe applied several adjustments to account for differences, including \$4,500 adjustments for the contributory value of the three mobile homes. After applying his adjustments, Wolfe concluded that the value of the subject property was \$140,000 as of June 28, 2021. *Baker testimony; Pet’r Ex. 1.*
9. The Assessor used J.D. Power’s Used Manufactured Home Value Report to derive a value for each of Baker’s three mobile homes. The total value of all three mobile homes per J.D. Power was \$32,386. To arrive at the subject property’s assessed value, the Assessor added her \$32,386 estimate for the mobile homes to Wolfe’s \$140,000 value conclusion for the subject property and then subtracted out Wolfe’s \$4,500 estimate of the mobile homes’ contributory value, resulting in an assessed value of \$167,886. *Ray testimony; Resp’t Ex. 3.*

## BURDEN OF PROOF

10. Generally, the 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.” Ind. Code § 6-1.1-15-20(a) (effective March 21, 2022).
11. 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.*
12. 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).
13. Here, the current assessment of \$166,500 was not an increase of more than 5% over the previous year’s assessment of \$159,100. Baker therefore has the burden of proof.

## ANALYSIS

14. Baker failed to prove that the subject property's 2022 assessment should be reduced. The Board reached this decision for the following reasons:
- a) The Indiana Board of Tax Review is 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 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) In order to meet its burden of proof, a party "must present objectively verifiable, market-based evidence" of the property's value. *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)). For most real 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 County 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 Department of Local Government Finance's ("DLGF") 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.
  - c) Market-based evidence may include "sales data, appraisals, or other information compiled in accordance with generally accepted appraisal principles." *Peters v. Garofolo*, 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). For 2022 assessments, the valuation date was January 1, 2022. I.C. § 6- 1.1-2-1.5(a).
  - d) In support of his petition, Baker presented Wolfe's USPAP-compliant appraisal. Wolfe used the sales comparison approach to value the subject property at \$140,000 as of June 28, 2021. However, we conclude that Wolfe's treatment of the three mobile homes undermines the reliability of his opinion of value.
  - e) Indiana has specific statutes and regulations that provide different methods for assessing mobile homes. If the home has a certificate of title issued by the Indiana Bureau of Motor Vehicles and is not on a permanent foundation, the DLGF's

regulations define it as an “annually assessed mobile home.” 50 IAC 3.3-2-2. The true tax value of annually assessed mobile homes, exterior features, yard structures, and improvements owned by the mobile homeowner and located on the same parcel as the mobile home is the lowest value determined using:

- (1) the National Automobile Dealers Association Guide;
- (2) the purchase price of the mobile home if the:
  - (A) sale is of a commercial enterprise nature;
  - (B) buyer and seller are not related by blood or marriage; and
  - (C) sale date is within one (1) year prior to or subsequent to the January 1 valuation date; or
- (3) sales data for generally comparable mobile homes.

50 IAC 3.3-5-1; see also 50 IAC 3.3-3-1(d) and I. C. § 6-1.1-31-7(b)(6).

- f) However, if the mobile home has a recorded affidavit of transfer to real property or has a certificate of title issued by the Indiana Bureau of Motor Vehicles and is attached to a permanent foundation, the DLGF’s regulations identify it as a “real property mobile home.” 50 IAC 3.3-2-4. Real property mobile homes are assessed as real property under the real property assessment rules in effect on January 1 using the Residential Cost Schedules found in the DLGF’s Real Property Assessment Manual and Real Property Assessment Guidelines. 50 IAC 3.3-3-1(b); 50 IAC 3.3-4-1(b).
- g) In this case, Baker does not address whether the three mobile homes should be annually assessed mobile homes or real property mobile homes. Neither party submitted any evidence addressing whether Baker’s mobile homes have certificates of title issued by the Indiana Bureau of Motor Vehicles or recorded affidavits of transfer to real property, and neither addressed whether each of the mobile homes is attached to a “permanent foundation.” 50 IAC 3.3-2-3.5. It is the duty of the parties to walk the Board through each part of the analysis. *See Long v. Wayne Twp. Ass’n*, 821 N.E.2d 466,471 (Ind. Tax Ct. 2005) (explaining that it is the taxpayer’s duty to walk us and the Tax Court through every element of its analysis).
- h) Regardless of which classification is correct, there is no indication that Wolfe calculated the \$4,500 adjustments he applied for the contributory value of Baker’s mobile homes using either of the statutorily prescribed methods for determining the true tax value of mobile homes. In fact, Baker did not even attempt to explain how Wolfe arrived at his \$4,500 adjustment, and Wolfe’s appraisal report does not provide any insight. Consequently, Wolfe’s appraisal is not reliable evidence of the subject property’s true tax value.<sup>1</sup> Baker has failed to make a case for a lower assessment.

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<sup>1</sup>While a USPAP compliant appraisal is often held to be probative of a property’s true tax value, that is not the case when the appraisal fails to comply with a specific statute’s valuation standard.

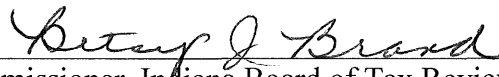
- i) Because the Assessor did not request an increase in the assessment, we need not consider her valuation evidence.

**FINAL DETERMINATION**

In accordance with the above findings of fact and conclusions of law, we find for the Assessor and order no change to the 2022 assessment.

ISSUED: 1/19/2024

  
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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>.