

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

**Petition No.:** 02-074-06-1-5-04267; 02-074-06-1-5-04270  
**Petitioner:** Philip R. Davis  
**Respondent:** Allen County Assessor  
**Parcel No.:** 02-12-23-458-005.000-074; 02-12-23-458-004.000-074  
**Assessment Year:** 2006

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

**Procedural History**

1. On April 26, 2007, Philip R. Davis filed written notice contesting the subject properties’ 2006 assessments. On November 7, 2008, the Allen County Property Tax Assessment Board of Appeals (“PTABOA”) issued its determinations denying Mr. Davis relief.
2. On December 31, 2008, Mr. Davis filed Form 131 petitions with the Board. He elected to have his appeals heard under the Board’s small claims procedures.
3. On January 14, 2010, the Board held a consolidated administrative hearing through its designated Administrative Law Judge, Joseph Stanford (“ALJ”).
4. The following people were sworn in and testified:
  - a) Philip R. Davis
  - b) Rob Williamson, Wayne Township Rental Income Specialist<sup>1</sup>

**Facts**

5. The subject properties are adjacent residential rental properties located at 5419 South Harrison and 5415 South Harrison, in Fort Wayne, Indiana.
6. Neither the Board nor the ALJ inspected the properties.

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<sup>1</sup> F. John Rogers appeared as counsel for the Allen County Assessor.

7. The PTABOA determinations show the following values for the subject properties:

Parcel 02-12-23-458-005.000-074 (5419 South Harrison)

Land: \$5,700            Improvements: \$15,500            Total: \$21,200

Parcel 02-12-23-458-004.000-074 (5415 South Harrison)

Land: \$5,700            Improvements: \$13,500            Total: \$19,200

8. At the hearing, the parties agreed that the properties are actually assessed as follows:

Parcel 02-12-23-458-005.000-074 (5419 South Harrison)

Land: \$5,700            Improvements: \$9,400            Total: \$15,100

Parcel 02-12-23-458-004.000-074 (5415 South Harrison)

Land: \$5,700            Improvements: \$10,800            Total: \$16,500

Those agreed amounts are reflected on the properties' record cards. *See Resp't Ex. A.*

9. On his Form 131 petitions, Mr. Davis requested an assessment of \$10,000 for each property. At the Board's hearing, he offered calculations estimating the following values: \$9,995.44 - \$10,293.92 for 5419 South Harrison, and \$5,766.6 - \$5,938.80 for 5415 South Harrison.

### **Parties' Contentions**

10. Summary of Mr. Davis's contentions:

- a) The subject properties are located in the Belmont addition of Fort Wayne. According to Mr. Davis, they are assessed too high in light of the sale prices for comparable properties. *Davis argument.* To support that contention, Mr. Davis pointed to the following sales:

<u>Property address</u>	<u>Sale price</u>	<u>Sale date</u>
4920 McClellan	\$4,000	December 20, 2005
5405 South Harrison	\$8,300	March 17, 2005
5331 Hoagland	\$9,007	September 26, 2005
5402 South Calhoun	\$10,000	June 4, 2004
4923 Webster	\$12,600	April 6, 2004
4926 Webster	\$12,100	August 17, 2004
5720 South Calhoun	\$13,000	June 11, 2004
4926 McClellan	\$12,000	March 8, 2005
5009 Hoagland	\$13,800	November 17, 2005
5225 South Harrison	\$15,400	March 1, 2005

*Pet'r Exs. SC-1 through SC-12.*

- b) Of those 10 properties, sale 2 (5405 South Harrison) is the closest and most comparable to the subject properties. It should therefore be given the most weight. *Davis testimony*. Sale 7 (5720 South Calhoun) included two adjacent unimproved lots and a “commercial component.” *Id.* Plus, Mr. Davis bought that property as an adjacent property owner, which from an appraiser’s standpoint, might indicate an inflated sale price. *Id.* Similarly, sale 9 (5009 Hoagland) is located in a better area than the subject properties. *Id.* Finally, while sale 10 (5225 South Harrison) was located close to the subject properties, its house was assessed as being in average condition. *Id.*
- c) The 10 sale prices ranged from \$6.94 to \$26.92 per square foot. *Pet’r Ex. C-1*. Mr. Davis calculated what he described as simple and weighted averages for those sale prices.<sup>2</sup> *Pet’r Ex. C-1*. For the simple average, Mr. Davis added the 10 sale prices together and divided that amount by the total area of all the houses (\$110,207 ÷ 8027 sq. ft.). For his weighted average, Mr. Davis added the “average”<sup>3</sup> prices per square foot for all the properties and divided that amount by 10. He arrived at a simple average of \$13.73 per sq. ft. and a weighted average of \$14.14 per sq. ft. *Id.* Applying those averages to the subject properties, 5419 South Harrison should be valued between \$9,995.44 and \$10,293.92, while 5415 South Harrison should be valued between \$5,766.60 and \$5,938.80. *Id.*
- d) Mr. Davis is a licensed real estate broker and has done a lot of appraising. And he has lived within eight blocks of Belmont his whole life, so he knows the neighborhood very well. *Davis testimony*. Mr. Davis acknowledged that many of the sales in his analysis occurred after a foreclosure. But there were many foreclosure sales in the Belmont, and the sales that Mr. Davis chose were the most comparable to the subject properties. According to Mr. Davis, if even a quarter of all sales in a neighborhood are foreclosures, those sales hurt property values throughout the neighborhood. *Id.*
- e) Mr. Davis also pointed to 5204 South Harrison, which had an adjusted 2006 assessment of \$10,300. *Pet’r Ex. AC-1*. That property was more similar to the subject properties than were any of the properties on which the Assessor relied. *Davis testimony and argument*.
- f) Neither of the subject properties was generating any rental income on March 1, 2006. *Davis testimony*. The home at 5415 South Harrison was not habitable. *Id.* The floor on its front porch was rotted. *Id.* While a tenant had been living at 5419 South Harrison, she did not pay her rent, and she left the property in a state that required

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<sup>2</sup> In his exhibits, Mr. Davis identified two additional sales, both involving the same property located at 5602 South Harrison. *Pet’r Exs. SC 11 and 12, and C*. Mr. Davis did not include those sales in his calculations, however, because the house was later demolished leaving Mr. Davis without any information about its size. *Davis testimony*.

<sup>3</sup> Mr. Davis did not explain what he meant when he referred to the “average” price per square foot for each property. He apparently calculated the price per square foot for each property, rounded it to the nearest cent, and then calculated an overall average for the 10 sales. Thus, it appears that the difference between his simple average and his weighted average stems from rounding rather than from giving any particular sale more weight than the others.

major renovation. *Id.* Also, contrary to what is listed on the property's record card, 5419 South Harrison only has one bedroom. The second bedroom is small and has been turned into a utility room. *Id.*

11. Summary of the Assessor's contentions:

- a) The subject properties' were correctly assessed. Their assessments were computed in accordance with the methodology established by the Department of Local Government Finance ("DLGF"). *Williamson testimony and argument.* In fact, the Assessor used all three approaches to value—the cost, sales-comparison, and income approaches—to assess the subject properties. *Id.*
- b) For 5419 South Harrison, Mr. Williamson computed the following values: \$21,200 (cost), \$15,100 (income),<sup>4</sup> and \$17,300 (sales-comparison). *Williamson testimony; Resp't Ex. A.* For the property at 5415 South Harrison, those values were: \$22,700 (cost), \$21,400 (income), and \$17,500 (sales-comparison). *Id.*
- c) In his sales-comparison approaches, Mr. Williamson compared the subject properties to the following properties: 5225 South Harrison, 5406 Webster, 5012 South Harrison, and 4918 McClellan. *Williamson testimony, Resp't Ex. B.* He then used values from the Guidelines' cost schedules to adjust the three comparable properties' sale prices to account for various ways in which they differed from the subject properties. *Id.*
- d) The Assessor rejected most of Mr. Davis's comparable sales. Several were invalid under the DLGF's guidelines because they (1) were "foreclosures,"(2) were purchased from the Department of Housing and Urban Development ("HUD"), or (3) were purchased from other governmental entities. *Williamson testimony; Resp't Ex. E.* In accordance with the DLGF's guidelines, the Assessor does not use foreclosure sales to value properties in a neighborhood unless they constitute over 50% of the neighborhood's sales. *Id.* The subject properties' neighborhood is not, and was not in 2006, a "foreclosure neighborhood." *Williamson testimony; Resp't Ex. D.*
- e) The Assessor also rejected Mr. Davis's sale number 8 (4926 McClellan) because it involved a quitclaim deed. The Assessor automatically invalidates any sale involving a quitclaim deed. *Id.* Similarly, sale 5 was invalid because it is identified in the Assessor's transfer history as having been part of a multi-parcel transaction. Finally, the Assessor rejected sale 6 because the seller was a government agency. *Williamson testimony.*

12. The official record for this matter is made up of the following:

- a) The Form 131 petitions,

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<sup>4</sup> This was the income approach value computed using property-specific evidence that Mr. Davis provided to the Assessor. *Williamson testimony.* When the Assessor used market evidence, the value was \$21,400. *Id.*

- b) A digital recording of the hearing,
- c) Exhibits:

Mr. Davis’s Exhibits for both petitions

- Petitioner’s Exhibit S-A: Hearing notice, property information from Beacon website, property record card for 5415 South Harrison
- Petitioner’s Exhibit S-B: Hearing notice, property information from Beacon website, property record card for 5419 South Harrison
- Petitioner’s Exhibit W-1: Statement that Mr. Davis will appear as a witness
- Petitioner’s Exhibit P-1: Plat of Belmont Addition to City of Fort Wayne
- Petitioner’s Exhibit SC-1: Comparable sale located at 4920 McClellan
- Petitioner’s Exhibit SC-2: Comparable sale located at 5405 South Harrison
- Petitioner’s Exhibit SC-3: Comparable sale located at 5331 Hoagland
- Petitioner’s Exhibit SC-4: Comparable sale located at 5402 South Calhoun
- Petitioner’s Exhibit SC-5: Comparable sale located at 4923 Webster
- Petitioner’s Exhibit SC-6: Comparable sale located at 4926 Webster
- Petitioner’s Exhibit SC-7: Comparable sale located at 5720 South Calhoun
- Petitioner’s Exhibit SC-8: Comparable sale located at 4926 McClellan
- Petitioner’s Exhibit SC-9: Comparable sale located at 5009 Hoagland
- Petitioner’s Exhibit SC-10: Comparable sale located at 5225 South Harrison
- Petitioner’s Exhibit SC-11: Comparable sale located at 5602 South Harrison
- Petitioner’s Exhibit SC-12: Comparable sale located at 5602 South Harrison, second sale
- Petitioner’s Exhibit AC-1: Comparable assessment located at 5204 South Harrison
- Petitioner’s Exhibit C-1: Summary calculation and conclusion

The Assessor’s Exhibits

*Petition No. 02-074-06-1-5-04267 (5419 South Harrison)*

- Respondent’s Exhibit A: Subject property record card with calculations<sup>5</sup>
- Respondent’s Exhibit B: Sheet with information on comparable sales
- Respondent’s Exhibit C: Sheet entitled “Adjustments”
- Respondent’s Exhibit D: Property Characteristics Report
- Respondent’s Exhibit E: Sheet entitled “Petitioner’s Comparable Sales

*Petition No. 02-074-06-1-5-04270 (5415 South Harrison)*

- Respondent’s Exhibit A: Subject property record card with calculations<sup>6</sup>
- Respondent’s Exhibit B: Sheet with information on comparable sales
- Respondent’s Exhibit C: Sheet entitled “Adjustments”

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<sup>5</sup> The Assessor offered separate packets of exhibits for each petition. Exhibits D and E are the same for each petition. Exhibits A-C for each case are similar in form but contain parcel-specific information.

<sup>6</sup> The Assessor offered separate packets of exhibits for each petition. Exhibits D and E are identical. Exhibits A-C for each case are similar in form but contain information that is specific to the

Respondent's Exhibit D: Property Characteristics Report  
Respondent's Exhibit E: Sheet entitled "Petitioner's Comparable Sales"

Board Exhibits

Board Exhibit A: Form 131 petition  
Board Exhibit B: Notice of hearing  
Board Exhibit C: Hearing sign-in sheet

d) These Findings and Conclusions.

**Analysis**

Burden of Proof

13. A taxpayer seeking review of an assessing official's determination must make a prima facie case proving both that the current assessment is incorrect and what the correct assessment should be. *See Meridian Towers East & West v. Washington Twp. Assessor*, 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).
14. In making its case, the taxpayer must explain how each piece of evidence relates to its requested assessment. *See Indianapolis Racquet Club, Inc. v. Washington Twp. Assessor*, 802 N.E.2d 1018, 1022 (Ind. Tax Ct. 2004) ("[I]t is the taxpayer's duty to walk the Indiana Board . . . through every element of the analysis").
15. If the taxpayer makes a prima facie case, the burden shifts to the respondent to offer evidence to impeach or rebut the taxpayer's evidence. *See American United Life Ins. Co. v. Maley*, 803 N.E.2d 276 (Ind. Tax Ct. 2004); *Meridian Towers*, 805 N.E.2d at 479.

Mr. Davis' Case

16. Mr. Davis did not make a prima facie case that the subject properties' assessments should be reduced. Nonetheless, the Assessor effectively conceded that the correct assessments were less than the amounts listed in the PTABOA's Form 115 determinations. The Board reaches those conclusions because:
  - a) Indiana assesses real property based on its true tax value, which the 2002 Real Property Real Property Assessment Manual defines as "the market value-in-use of a property for its current use, as reflected by the utility received by the owner or a similar user, from the property." 2002 REAL PROPERTY ASSESSMENT MANUAL at 2 (incorporated by reference at 50 IAC 2.3-1-2). Appraisers traditionally have used three methods to determine a property's value: the cost, sales-comparison, and income approaches. *Id.* at 3, 13-15. Indiana assessing officials generally use a mass-appraisal version of the cost approach set forth in the Real Property Assessment Guidelines for 2002 – Version A.

- b) A property's market value-in-use, as determined using the Guidelines, is presumed to be accurate. *See* MANUAL at 5; *Kooshtard Property VI, LLC v. White River Twp. Assessor*, 836 N.E.2d 501, 505 (Ind. Tax Ct. 2005) *reh'g den. sub nom. PA Builders & Developers, LLC*, 842 N.E.2d 899 (Ind. Tax Ct. 2006). But a taxpayer may rebut that presumption with evidence that is consistent with the Manual's definition of true tax value. MANUAL at 5. A market value-in-use appraisal prepared according to the Uniform Standards of Professional Appraisal Practice ("USPAP") often will suffice. *Id.*; *Kooshtard Property VI*, 836 N.E.2d at 506 n.6. A taxpayer may also offer actual construction costs, sales information for the subject or comparable properties, and any other information compiled according to generally accepted appraisal principles. MANUAL at 5.
- c) Mr. Davis analyzed the sales of several purportedly comparable properties. That methodology is commonly referred to as the sales-comparison approach to value. *See* MANUAL at 3 (stating that the sales-comparison approach "estimates the total value of the property directly by comparing it to similar, or comparable, properties that have sold in the market."). In order to effectively use the sales-comparison approach as evidence in a property assessment appeal, however, the proponent of that evidence must show that the properties being examined are comparable to the property under appeal. Conclusory statements that a property is "similar" or "comparable" to another property are not probative. *Long v. Wayne Twp. Assessor*, 821 N.E.2d 466, 470 (Ind. Tax Ct. 2005). Instead, the proponent must identify the characteristics of the property under appeal and explain how those characteristics compare to the characteristics of the purportedly comparable properties. *Id.* at 471. He similarly must explain how any differences between the properties affect their relative market values-in-use. *Id.*
- d) Mr. Davis did identify at least some characteristics by which to compare the subject properties to the 10 properties in his sales-comparison analysis. For example, he testified that all of the properties were in the same neighborhood, and he identified the size and quality grade both for the subject houses and for most of the purportedly comparable houses. Beyond choosing to use price per square foot as a unit of comparison, however, he did little to explain how any relevant differences between the subject properties and the purportedly comparable properties affected their relative values. His omission is troubling given the wide range of sale prices at issue (\$6.94 per sq. ft. to \$26.92 per sq. ft.). Even if one throws out the highest-priced sale, which Mr. Davis attributed to the house being in better condition than the subject houses, the range was still substantial (\$6.94 per sq. ft. to \$15.63 per sq. ft.).
- e) True, Mr. Davis offered property record cards and other information from which one arguably could determine how relevant differences between the properties affected their relative values. But a taxpayer does not make his case by simply offering raw data to the Board. As the Tax Court explained, the taxpayer must instead walk the Board through his analysis:

[A] taxpayer cannot ‘generically claim without explanation that [it] made a prima face case then[] cite to large swaths of the record as though the evidence speaks for itself.’ Here, it was not the Indiana Board’s responsibility to review all the documentation submitted by the Longs to determine whether those properties were indeed comparable—that duty rested with the Longs. Thus, the Longs were responsible for explaining to the Indiana Board the characteristics of their own property, how those characteristics compared to those of the purportedly comparable properties, and how any differences affected the relevant market value-in-use of the properties. The record is devoid of such explanation, and therefore the Longs’ evidence carries no probative value.

*Long* 821 N.E.2 at 471 (internal citations omitted).

- f) Mr. Davis, however, may have sought to account for any relevant differences between the subject properties and his comparable properties in a more general fashion by using an average sale price. Given that the properties at issue are relatively small and inexpensive, that approach has some merit. But the Board will not necessarily assume that it complies with generally accepted appraisal principles. While Mr. Davis testified that he was a licensed real estate broker and was experienced in appraising properties, he did not testify that his analysis complied either with USPAP or with generally accepted appraisal principles.
- g) Even so, the Board might be tempted to accept Mr. Davis’s approach were it not for another problem—several of his sales were of questionable use as indicators of the sold properties’ market values-in-use. Indeed, the Assessor argued that most of Mr. Davis’s sales were invalid, largely because they were “foreclosures” and the sellers were either financial institutions or governmental entities such as HUD. By themselves, those facts do not invalidate Mr. Davis’s sales. But Mr. Davis’s own evidence raises serious questions about at least four of his sales.
- h) To explain why, the Board turns first to Manual, which defines “market value” as:

The most probable price (in terms of money) which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- The buyer and seller are typically motivated;
- Both parties are well informed and advised and act in what they consider their best interests;



- A reasonable time is allowed for exposure in the open market;
- Payment is made in terms of cash or in terms of financial arrangements comparable thereto;
- The price is unaffected by special financing or concessions.

MANUAL at 10

- i) One can easily see why a forced sale, such as a sheriff’s sale following a foreclosure action, might not meet that definition. In those circumstances, the seller is acting under compulsion and the property may not have been exposed to the open market for a reasonable period. But the same problems do not necessarily exist where a bank or other entity acquires a property following a borrowers default and then sells that property to a third party. In those instances, the acquiring entity might market and sell the property in the same way as any other seller. The Board therefore will not automatically assume that a sale is invalid as a market-value indicator merely because the seller acquired the property out of foreclosure.
- j) Although Mr. Williamson characterized several of Mr. Davis’s comparable sales as “foreclosures,” there is nothing in the record to show that they were forced sales. The sellers, however, were financial institutions or HUD. Thus, Mr. Williamson may have meant that the sellers had acquired those properties as the result of foreclosure actions or borrower defaults. In either case, those facts alone would not necessarily invalidate the sales as market-value indicators.
- k) But Mr. Davis’s own evidence casts doubt on at least three of those sales
  - Sale 1 (4920 McClellan St.). Mr. Davis used a December 20, 2005, sale in which HUD sold the property for \$4,000. Roughly 10 months earlier, however, HUD bought the property from ABN AMRO Mortgage Group, Inc. for \$28,093. *Pet’r Ex. SC-1 at 2-3.*
  - Sale 9 (5009 Hoagland Ave.). Mr. Davis used a November 17, 2005, sale in which AMJ Holdings, LLC bought the property from HUD for \$13,800. A little more than seven months later, on June 23, 2006, AMJ sold that property for \$40,000. *Pet’r Ex. SC-9 at 2-3.*
  - Sale 7 (5720 Calhoun St.). Mr. Davis used a June 11, 2004, sale in which he bought the property from the Bank of New York for \$13,000. Yet, on March 12, 2002, that property had sold for \$27,500. *Pet’r Ex. SC-7 at 2-3.*

- l) Granted, some of the differences between the sales that Mr. Davis used and the other sales of those same properties might be attributable to time-related market differences. But given how close in time the sales were to each other, that factor likely does not account for the large price differentials. The price differentials also might arguably be explained by physical changes to the properties between sales. In describing each property's size, grade, and condition, however, Mr. Davis largely used information from 2009 or 2010. *See Pet'r Exs SC-1, SC-7, SC9 (containing printouts from the Beacon website and property record cards with information through the March 1, 2009, assessment date)* So there is no way to determine whether any physical changes to the three properties accounted for the significant differences in sale prices. Thus, based on the facts in the record, the Board finds that, at least for sales 1, 7, and 9, the prices that Mr. Davis relied on likely did not reflect the respective properties' market values. At a minimum, Mr. Davis needed to adjust those sale prices or otherwise explain why they were probative of the subject properties' market values-in-use.
- m) Although he did not focus on sales 1, 7, and 9 specifically, Mr. Davis justified using "foreclosure" sales on grounds that those sales constituted the market for Belmont. Indeed, this Board has held that even forced sales, such as tax sales or commissioners' sales, may be relevant to determining a property's market value if those sales comprise a sufficiently large portion of the market. And Mr. Williamson testified that the DLGF's guidelines permit using "foreclosure" sales where those sales make up at least 50% of the market. *Williamson testimony; See also, Lake County Assessor v. U.S. Steel Corp*, 901 N.E.2d 85, 91-92 (Ind. Tax Ct. 2009) (finding that Board did not err in relying of bankruptcy sales where taxpayer proved that such sales were the market norm in the steel industry).
- n) Of course, that begs the question—were the sales at issue the market norm for Belmont? Mr. Davis conclusorily asserted that "foreclosure" sales were the norm, and that, as an appraiser, he would rely on them. But he offered nothing to quantify how frequently those sales occurred compared to more traditional sales. At best, when one considers Mr. Davis's evidence together with the Assessor's list of 21 purportedly valid sales, it appears that something approaching one-third of the sales from 2004-2005 may have been "foreclosure" sales. *See Pet'r Ex. C-1; Resp't Ex. D*. On those facts, Mr. Davis failed to show that the three sales in question—sales 1, 7, and 9—were valid indicators of market value. Instead, buyers frequently resorted to more typical market transactions. While the presence of foreclosed properties may have affected property values as a whole, that effect likely was captured in the sale prices from those more typical transactions.
- o) A different circumstance affected the probative value of a fourth sale in Mr. Davis's analysis. Mr. Williamson testified that Sale 8 (4926 McClellan St) involved a quitclaim deed. *Williamson testimony*. Thus, the seller merely passed all the interest that he had in the property without warranting that he was lawfully

seized of the property, that he could convey it, or that it was free from encumbrances. *See* Ind. Code § 6-1.1-7-2 (providing that a quitclaim deed “passes all the estate that the grantor . . . may convey by a deed of bargain and sale.”); *see also Beal v. Beal*, 79 Ind. 280, 284-85 (1881) (explaining that a deed of bargain and sale by release or quitclaim transfers nothing more than the interest of which the grantor was seized at the time). The buyer therefore assumed, among other things, the risk that seller lacked good title. And that risk logically was reflected in the property’s sale price. It was at least enough to merit Mr. Davis either adjusting the property’s sale price to account for that risk or explaining why not adjustment was necessary.

- p) In sum, the cumulative problems with Mr. Davis’s sales-comparison analysis deprive his analysis of probative weight. Mr. Davis therefore failed to prove that the subject properties’ assessments should be reduced to the levels that he requested.
- q) Those assessments, however, should be reduced from the amounts reflected in the PTABOA’s determinations. The parties mistakenly assumed that the assessments reflected on the properties’ record cards were the assessments of record. But a PTABOA cannot unilaterally change an assessment after a taxpayer has appealed the PTABOA’s determination to the Board. Thus, the assessments of record are the values reflected in the PTABOA’s 115 determinations. Nonetheless, Mr. Williamson, on the Assessor’s behalf, effectively agreed that properties should be assessed for the lower amounts reflected on the record cards. The Board therefore finds that the assessment for 5419 South Harrison should be reduced to \$15,100 and that the assessment for 5415 South Harrison should be reduced to \$16,500.

### **Conclusion**

- 17. Based on the Assessor’s concession, the assessments should be changed to \$15,100 (5419 South Harrison) and \$16,500 (5415 South Harrison). Mr. Davis, however, did not prove that he was entitled to any further reductions.

### **Final Determination**

In accordance with the above findings and conclusions, the Indiana Board of Tax Review now orders that parcel 02-12-23-458-005.000-074 (5419 South Harrison) shall be assessed at \$15,100 and that parcel 02-12-23-458-004.000-074 (5415 South Harrison) shall be assessed at \$16,500

ISSUED:

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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

## **IMPORTANT NOTICE**

### **- APPEAL RIGHTS -**

You may petition for judicial review of this final determination under the provisions of Indiana Code § 6-1.1-15-5, as amended effective July 1, 2007, by P.L. 219-2007, and the Indiana Tax Court's rules. To initiate a proceeding for judicial review you must take the action required within forty-five (45) days of the date of this notice. The Indiana Tax Court Rules are available on the Internet at <<http://www.in.gov/judiciary/rules/tax/index.html>>. The Indiana Code is available on the Internet at <<http://www.in.gov/legislative/ic/code>>. P.L. 219-2007 (SEA 287) is available on the Internet at <<http://www.in.gov/legislative/bills/2007/SE/SE0287.1.html>>.