

REPRESENTATIVE FOR THE PETITIONERS: James and Maggie Hurst, *pro se*

REPRESENTATIVE FOR THE RESPONDENT: Jennifer Lasley, Boone County Assessor

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**BEFORE THE  
INDIANA BOARD OF TAX REVIEW**

James & Maggie Hurst	)	Petition No.: 06-008-21-1-5-00872-21
	)	
Petitioners,	)	Parcel No.: 008-05270-00
	)	
v.	)	County: Boone
	)	
Boone County Assessor,	)	Township: Perry
	)	
Respondent.	)	Assessment Year: 2021

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February 10, 2023

**FINAL DETERMINATION**

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

**INTRODUCTION**

1. The Hursts appealed the 2021 assessment of their residential property in Boone County. Both parties offered USPAP-compliant appraisals. Because neither appraiser valued the correct property as of the valuation date at issue, we order no change to the 2021 assessment.

**PROCEDURAL HISTORY**

2. The Petitioners appealed the 2021 assessment of their property located at 7175 South 200 East in Lebanon, Indiana.

3. On November 4, 2021, the Boone County Property Tax Assessment Board of Appeals (“PTABOA”) changed the assessment to \$47,600 for land and \$818,000 for improvements for a total of \$865,600. The Petitioners timely appealed to the Board.
4. On November 17, 2022, Dalene McMillen, the Board’s Administrative Law Judge (“ALJ”), held a telephonic hearing. Neither the Board nor the ALJ inspected the property.
5. James Hurst, Maggie Hurst, Tom Freije, appraiser for the Petitioners, and Jennifer Lasley, Boone County Assessor, testified under oath.
6. The parties offered the following exhibits:

- Petitioner Exhibit 1: Appraisal report of the subject property prepared by Tom Freije.
- Respondent Exhibit 2: Residential appraisal report of the subject property prepared by Staci Hendrickson,
- Respondent Exhibit 2A: Photograph of the subject barn,
- Respondent Exhibit 2B: Photograph of barn located at 5158 North 1000 West,
- Respondent Exhibit 2C: Photograph of barn located at 2756 South 875 East,
- Respondent Exhibit 2D: Photograph of barn located at 3125 South 875 North,
- Respondent Exhibit 3: MIBOR listing for subject property,
- Respondent Exhibit 7: Notification of Final Assessment Determination.<sup>1</sup>

7. 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 ALJ; and (3) the digital recording of the hearing.

**FINDINGS OF FACT**

8. The subject property is a two-story, frame home built in 2000 located on 3.78 acres of land in Lebanon. The Hursts purchased the subject parcel, along with a neighboring parcel of approximately 14 acres of pastureland, on April 23, 2020, for a total price of \$950,000. *J. Hurst testimony; M. Hurst testimony; Pet’r Ex. 1.*

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<sup>1</sup> Respondent Exhibits 1, 4, 4A, 4B, 5, 6, 8, 9, and 10 were submitted but not offered into evidence.

9. The Hursts engaged Tom Freije and Kaitlyn Lewis of Freije Appraisals to appraise the market value of the subject property as of January 18, 2022. They certified that their appraisal complied with the Uniform Standards of Professional Appraisal Practice (“USPAP”). To arrive at their opinion of value, Freije and Lewis developed both the cost approach and the sales-comparison approach. They ultimately concluded to a reconciled value of \$750,000 as of January 18, 2022. *Pet’r Ex. 1.*
10. The Assessor submitted an appraisal prepared by Staci Hendrickson of Thompson Appraisal Service. The appraisal was prepared prior to the Hurst’s April 2020 purchase. It included both subject property and the additional 14-acre parcel. Using the sales-comparison approach, Hendrickson appraised the market value of the subject property and the additional parcel at \$873,500 as of February 12, 2020. She certified that her appraisal complied with USPAP. *Resp’t Ex. 2.*

#### ANALYSIS

11. Generally, an assessment determined by an assessing official is presumed to be correct. 2021 REAL PROPERTY ASSESSMENT MANUAL at 3. The petitioner has the burden of proving the assessment is incorrect and what the correct assessment should be. *Piotrowski v. Shelby County Ass’r*, 177 N.E.3d 127, 131-32 (Ind. Tax Ct. 2022).
12. Real property is assessed based on its market value-in-use. Ind. Code § 6-1.1-31-6(c); 2021 REAL PROPERTY ASSESSMENT MANUAL at 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 property or comparable properties, appraisals, and any other information compiled in accordance with generally accepted appraisal principles.
13. 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 2021 assessment, the valuation date was January 1, 2021. *See* Ind. Code § 6-1.1-2-1.5.

14. The Petitioners purchased the subject property and an adjoining property on April 23, 2020, for \$950,000. The purchase price can be the best evidence of a property's value. *Hubler Realty Co. v. Hendricks Co. Ass'r*, 938 N.E.2d 311, 315 (Ind. Tax Ct. 2010). But that purchase included an additional parcel of agricultural land. There is no evidence in the record providing an allocation of the relative values of the subject property and the additional parcel. Thus, we cannot find the purchase price to be a reliable indicator of the subject property's market value-in-use.
15. The Petitioners offered a USPAP-compliant appraisal valuing the subject property at \$750,000 as of January 18, 2022. As discussed above, the valuation date for this appeal was January 1, 2021, over a year prior to the effective date of the Freije appraisal. All evidence must be affirmatively related to the relevant valuation date. *Nova Tube Ind. II LLC v. Clark Cty. Assessor*, 101 N.E.3d 887, 895 (Ind. Tax Ct. 2018). Failure to do so renders that evidence insufficient to establish a *prima facie* case that the assessment is incorrect. *Id.* For this reason, we must find that Freije appraisal is not reliable evidence of value.
16. The Assessor also submitted a USPAP-compliant appraisal with an effective date of February 12, 2020. While closer to the relevant valuation date, this appraisal included an additional 14.25 acre parcel. It did not include any allocation that established a value for the agricultural land which is assessed differently. Thus, like the sale price, this appraisal is unreliable.

### CONCLUSION

17. While there are two USPAP compliant appraisals in evidence, neither appraisal valued the appropriate property as of the relevant valuation date. Because neither party made a *prima facie* case for any change in value, we order no change to the 2021 assessment.

The Final Determination of the above captioned matter is issued by the Indiana Board of Tax Review on the date written above.

  
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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>.