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

Petitioner:	**Sandra S. Robison**
Petition Nos.:	**76-011-07-1-5-00067**
	76-011-07-1-5-00068
	76-011-07-1-5-00069
	76-011-08-1-5-00029
	76-011-08-1-5-00030
	76-011-08-1-5-00031
Respondent:	**Steuben County Assessor**
Parcel Nos.:	**76-06-03-420-608.000-011 [Parcel 608]**
	76-06-03-420-609.000-011 [Parcel 609]
	76-06-03-420-644.010-011 [Parcel 644]
Assessment Years:	**2007 and 2008**

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

Procedural History

1. Sandra S. Robison filed six Form 130 petitions challenging the above-captioned parcels' March 1, 2007 and March 1, 2008 assessments.[1] On December 14, 2009, the Steuben County Property Tax Assessment Board of Appeals ("PTABOA") issued its determinations denying Ms. Robison the relief she had requested.

2. Ms. Robison then timely filed six Form 131 petitions with the Board. She elected to have her appeals heard under the Board's small claims procedures. On November 30, 2011, the Board held a hearing on all six petitions through its administrative law judge, Patti Kindler ("ALJ").

3. The following people were sworn in and testified:

    a) Sandra S. Robison
    Max F. Robison

    b) Phyl Olinger

[1] The Form 130 petitions listed the parcels' owner as Sandra S. Robison Trust, and an accompanying letter was signed by both Max F. Robison and Sandra S. Robison. On the Form 131 petitions filed with the Board, however, Ms. Robison listed herself, rather than the trust, as the parcels' owner.

Facts

4. The parcels at issue are three lots located at 435 Lane 200 East, Lake James in Angola, Indiana. Parcel 76-06-03-420-608.000-011 ("Parcel 608") contains a house and has 35 feet of frontage on Lake James. Parcel 76-06-03-420-609.000-011 ("Parcel 609") abuts Parcel 608, and has 24 feet of frontage on Lake James. It appears that Ms. Robison treated these two parcels as a single economic unit, and the parties on appeal addressed the parcels as a single unit. The Board therefore refers to Parcels 608 and 609 as Ms. Robison's "homesite."

5. Parcel 76-06-03-420-644.010-011 ("Parcel 644") is vacant. It sits mostly behind Parcel 609 and has frontage on a channel of Lake James.

6. Neither the Board nor the ALJ inspected Ms. Robison's parcels.

7. For March 1, 2006, the year immediately preceding the assessment years under appeal, the county or township assessor assessed the parcels as follows:

Homesite

Parcel	**Land**	**Improvements**	**Total**
Parcel 608	$170,800	$31,000	$201,800
Parcel 609	$113,900	$0	$113,900
			$315,700

Stand-Alone Parcel

Parcel	**Land**	**Improvements**	**Total**
Parcel 644	$27,500	$0	$27,500[2]

[2] There are two entries for March 1, 2006, on Parcel 644's property record card. The first reference appears under the heading "Form 130" and is for $27,500. The second reference appears under the heading "Annual" and is for $24,100. Thus, it is not clear which number was determined by the assessor. Both, however, are far less than 95% of the parcel's March 1, 2007 assessment. That is significant because, as explained below, Ind. Code § 6-1.1-15-17 shifts the burden of proof to the Assessor in appeals where the assessment under review reflects an increase of more than 5% over the same property's assessment for the immediately preceding year.

8. The PTABOA determined the following values for both March 1, 2007 and March 1, 2008:

Homesite

Parcel	Land	Improvements	Total
Parcel 608	$223,400	$31,000	$254,400
Parcel 609	$148,900	$0	$148,900
			$403,300

Stand-Alone Parcel

Parcel	Land	Improvements	Total
Parcel 644	$38,200	$0	$38,200

9. Ms. Robison requested the following values for March 1, 2007 and March 1, 2008:

Homesite

Parcel	Land	Improvements	Total
Parcel 608	$137,400	$31,000	$168,400
Parcel 609	$91,600	$0	$ 91,600
			$260,000

Stand-Alone Parcel

Parcel	Land	Improvements	Total
Parcel 644	$ 21,600	$0	$21,600

Summary of Parties' Contentions

10. Ms. Robison's evidence and contentions:

A. Homesite

a) Together, parcels 608 and 609 make up Ms. Robison's homesite. The homesite's assessment keeps increasing even though land values and assessments for other properties around Lake James are decreasing. *Robison testimony*.

b) The homesite is assessed too high in light of an appraisal from Gregory Lindsay. Mr. Lindsay estimated the homesite's value at $260,000 as of September 5, 2008. Mr. Lindsay certified that he prepared his appraisal in conformity with the Uniform Standards of Professional Appraisal Practice ("USPAP"). *Pet'r Ex. 2.*

c) In reaching his opinion, Mr. Lindsay relied on both the cost and sales-comparison approaches to value, although he gave the most weight to his conclusions under the sales-comparison approach. In his sales-comparison analysis, Mr. Lindsay compared the homesite to four lakefront properties on Lake James that sold between May 29, 2007, and November 30, 2007. He then adjusted each sale price for various ways in which the property differed from the homesite and arrived at adjusted sale prices ranging from $195,170 to $263,000. Mr. Lindsay ultimately reconciled that value range to an indicated value of $260,000. *Pet'r Ex. 2*.

d) In addendum D to his appraisal, Mr. Lindsay made the following observations about the local market for land:

> The lot value on the cost reproduction section of the appraisal was arrived at by attempting to extract the lot value from the sales comparables available to the appraiser together with the accessed from around the lake in areas considered more choice. Even though the local market has decreased over the past three years, in some cases up to 30% there comes a point when the increase is not across the board and certain properties rise to a value and are stagnet (sic) and until a shortage and demand arises prices stay constant. Based on this and the appraisers inability to assign a percentage with sales data the value arrived at in this report of $260,000 may have been the maximum to date for the limited use lot that is the subject. Because of its size the market will only increase when the demand becomes great enough for these small lots. A 40-50' lot will become a viable teardown value when lots become scarce again and the subjects market is not there now and hasn't shown itself to be for the last 3 yrs.

Pet'r Ex. 2 at Appendix D.

e) Later in his report, Mr. Lindsay analyzed two sales—one from 2005 and another from 2006. The first property sold for an adjusted price of $349,500 and the second sold for an adjusted price of $321,090. Mr. Lindsay explained the reason for his analysis as follows: "[a]nalysis of 2005-2006 market was done on 220 Ln 200 Lk James to try and determine a per centage (sic) of change from the 2007 Market." *Pet'r Ex. 2 at 19*. He further explained:

> Based on the few comps available from the 2005-2006 Market on Lake James it appears the market at that time was from 20% to 37% higher for some sales. The above comps are on the higher end comparatively. There were 2 other sales with similar frontage for $295,000 and $330,000 but 1 had an extra guest cottage and the other was on a double lot with a back lot and a[n] extra 4 car garage[.] Based on this analysis the Market was an average of 25% better during those years and had dropped in 2007 and with the lack of sales in 2008 show[s] a further decline.

Id.

f) One of the purportedly comparable sales that the Assessor relied on in determining the homesite's assessment was not a conventional sale.[3] The neighbors on both sides of that property bought it as a buffer for their own properties. *M. Robison testimony.*

B. Parcel 644

g) The assessment for Parcel 644, the unimproved channel-front lot, is also wrong. M. Luanne Putnam, a certified appraiser, appraised Parcel 644 at $21,600 as of December 20, 2005. Like Mr. Lindsay, Ms. Putnam certified that she prepared her appraisal in conformity with USPAP, and she relied on the sales-comparison approach to value. Ms. Putnam used three sales—two from 2002 and one from 2004—with sale prices that ranged from $38,000 ($380 per front foot) to $65,000 ($915 per front foot). *Pet'r Ex. 1*. The Assessor apparently did not consider Ms. Putnam's appraisal when valuing Parcel 644, because the parcel's assessment went up to $27,000 the following year, and then to $38,200 for 2007 and 2008. *See M. Robison testimony*.

h) Due to zoning restrictions and Parcel 644's size, it is doubtful that anything other than a one-car garage could be built on it. While the parcel is apparently assessed as having 35 feet of frontage, the legal description and tax receipts indicate that it has only 29 feet of frontage. *M. Robison testimony.*

11. The Assessor's evidence and contentions:

A. Homesite

a) Sales of nearby properties support the homesite's current assessment. Specifically, two unimproved parcels near Ms. Robison's homesite sold in 2004 and 2006. One parcel, owned by the Becks, has 20 feet of lakefront and sold for $210,000, or $10,500 per front foot. The other parcel, owned by the Brodbecks, has 50 feet of lakefront and sold for $325,000, or $6,500 per front foot. *Id. at 3-4.* Those two sales average $8,500 per front foot, which is exactly the base rate used to assess Ms. Robison's homesite. *Olinger testimony; Resp't Ex. 7.*

b) The Assessor's representative, Phyl Olinger, had anticipated that Ms. Robison would rely on an appraisal prepared by William F. Schnepf, Jr. *Olinger testimony*. Although Ms. Robison did not rely on that appraisal, the Assessor offered it into evidence anyway. In that appraisal, Mr. Schnepf estimated the homesite's market value-in-use at $300,000 as of January 1, 2010.[4] Mr. Schnepf certified that he prepared his appraisal in conformity with USPAP. He used the cost and sales-

[3] Mr. Robison did not specify which of the Assessor's comparables he was referring to. He testified only that the comparable sale was located up the hill from the homesite and that the improvements were razed after the sale.
[4] In 2009, Parcels 608 and 609 were combined under Parcel 608's parcel number. Mr. Schnepf's appraisal therefore references only one parcel number. *See Resp't Exs. 2, 5*.

comparison approaches, giving the most weight to his conclusions under the sales-comparison approach. *Resp't Ex. 5*.

c) In his appraisal, Mr. Schnepf observed, "[t]he market showed appreciation of +6% per year (+.50% mo.) up to January 2007. The market then became static (flat) until 2008. I have seen a decline of approximately 10% since 2008." *Resp't Ex. 5 at 20*. Later, in an October 14, 2011 letter to the Assessor, Mr. Schnepf expanded on those points, explaining the following:

> Our research further reveals that the market generally leveled off in January 2007 and continued this way into early 2008. By late 2008 or early 2009, data suggested that conditions began to deteriorate in the waterfront market, primarily from the financial debacle that gripped the country. By late 2009 or early 2010, we discovered data to support negative adjustments for market conditions at a rate of minus 10 percent until we discovered additional data in 2011 that supported an adjustment of minus twenty percent since 2007. This data was in the form of active listings that had sold prior to 2007. The current ask prices were less than the sales prior to 2007. In conclusion, our data suggest that the waterfront market has generally declined twenty percent since January 2007 to Mid 2008. There are some exceptions, but they are few.

Resp't Ex. 6.

B. Parcel 644

d) Ms. Putnam's appraisal should be given minimal weight. The appraisal's effective date is December 20, 2005, but two of her comparable sales were from 2002 and another was from 2004. Those sales are too old to be probative of the Parcel 644's 2007 and 2008 assessments. *Olinger testimony and argument; Pet'r Ex. 1.*

e) Regardless, other comparable land sales support Parcel 644's assessments. Specifically, sales of properties owned by Liebrecht and Tax Free Strategies support the $2,500 base rate used to assess Parcel 644. For both sales, the Assessor's witness, Phyl Olinger, abstracted a land value by deducting the cost of improvements from the parcel's sale price. She then calculated a land value of $2,126 per front foot for the Liebrecht property and $2,492 per front foot for the Tax Free Strategies property. *Olinger testimony; Resp't Ex. 9 at 5-6.*

f) Although Ms. Robsion claimed that Parcel 644 only has 29 feet of channel frontage, the parcel's property record card and Ms. Putnam's appraisal both show the parcel as having 35 feet of frontage. *Olinger testimony; Resp't Ex. 4b, 8.* Nonetheless, the PTABOA applied a negative 40% influence factor to the land to account for the parcel's size and restrictions and also deducted $4,350 to account for its lack of utilities. *See Olinger testimony; Resp't Ex. 4b.*

Record

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

a) The Form 131 petitions,

b) A digital recording of the consolidated hearing,

c) Exhibits:

Petitioner Exhibit 1:	Certified real estate appraisal for Parcel 644, prepared by M. Luanne Putnam of Putnam Kruse Appraisal Group
Petitioner Exhibit 2:	Certified real estate appraisal for Parcels 608 and 609, prepared by Gregory Lindsay of Lindsay Appraisal Services

Respondent Exhibit 1:	Respondent Exhibit Coversheet
Respondent Exhibit 2:	Summary of Respondent Testimony
Respondent Exhibit 3:	Power of Attorney Certification attached to Power of Attorney
Respondent Exhibit 4:	Property record card ("PRC") for Parcel 608
Respondent Exhibit 4a:	PRC for Parcel 609
Respondent Exhibit 4b:	PRC for Parcel 644
Respondent Exhibit 5:	Copy of appraisal report from William Schnepf, Jr.
Respondent Exhibit 6:	October 14, 2011 letter from Mr. Schnepf to the Steuben County Assessor
Respondent Exhibit 7:	Copy of aerial map of Lake James map showing the location of Parcel 608, and the Assessor's two comparable sales
Respondent Exhibit 8:	Copy of Ms. Putnam's appraisal report
Respondent Exhibit 9:	Copy of a Lake James map showing the location of Parcel 644, and the Assessor's two comparable sales
Respondent Exhibit 10:	Respondent Signature and Attestation Sheet

Board Exhibit A:	Form 131 petitions
Board Exhibit B:	Hearing notices
Board Exhibit C:	Hearing sign-in sheet

d) These Findings and Conclusions.

Analysis

A. Burden of Proof

13. Generally, a taxpayer seeking review of an assessing official's determination has the burden of proving that his property's assessment is wrong and what its 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). Effective July 1, 2011, however, the Indiana General Assembly enacted Ind. Code § 6-1.1-15-17, which shifts that burden to the assessor in cases where the assessment under appeal has increased by more than 5% over the property's assessment for the previous year:

> This section applies to any review or appeal of an assessment under this chapter if the assessment that is the subject of the review or appeal increased the assessed value of the assessed property by more than five percent (5%) over the assessed value determined by the county assessor or township assessor (if any) for the immediately preceding assessment date for the same property. The county assessor or township assessor making the assessment has the burden of proving that the assessment is correct in any review or appeal under this chapter and in any appeals taken to the Indiana board of tax review or to the Indiana tax court.

I.C. § 6-1.1-15-17. The Board has now issued several decisions explaining that Ind. Code § 6-1.1-15-17 applies to all appeals that had not yet been heard as of the provision's July 1, 2011 effective date. *E.g.*, *Echo Lake, LLC v. Morgan County Assessor*, pet. nos. 55-016-09-1-4-00001 -02 and -03 (Ind. Bd. Tax Rev. Nov. 4, 2011); *Stout v. Orange County Assessor*, pet. no. 59-007-09-1-5-00001 (Ind. Bd. Tax Rev. Nov. 7, 2011).

14. As explained above, the parties both addressed the parcels under appeal as two separate economic units: (1) the homesite, which consists of Parcels 608 and 609, and (2) Parcel 644—the stand-alone vacant parcel. Neither of those units' assessments changed from March 1, 2007 to March 1, 2008. Ms. Robison therefore had the burden of proving that she was entitled to any reduction in the parcels' March 1, 2008 assessments. By contrast, the assessments for the homesite and Parcel 644 each increased by significantly more than 5% between the March 1, 2006 and March 1, 2007 assessment dates. Thus, the Assessor had the burden of proof in Ms. Robison's appeals of the parcels' March 1, 2007 assessments, at least to the extent that Ms. Robison sought to have those assessments returned to their 2006 levels. Of course, Ms. Robison sought an even greater reduction, and she bore the burden of proving that the parcels assessments should be reduced below their 2006 levels.

15. Keeping those differing burdens in mind, the Board will address Ms. Robison's appeals of the units' March 1, 2007 and March 1, 2008 assessments separately. The Board begins with the homesite.

B. Homesite

1. Appeal of March 1, 2008 Assessment

16. Ms. Robison proved that the homesite's March 1, 2008 assessment should be reduced to $260,000. The Board reaches this conclusion for the following reasons:

a) Indiana assesses real property based on its market value-in-use, which the 2002 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." MANUAL at 2. Thus, a party's evidence in a tax appeal must be consistent with that standard. *See id*. A market-value-in-use appraisal prepared according to USPAP often will often be probative. *Kooshtard Property VI*, 836 N.E.2d at 506 n. 6. A party 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.

b) Regardless of the method used to prove a property's true tax value, a party must explain how its evidence relates to the subject property's market value-in-use as of the relevant valuation date. *O'Donnell v. Dep't of Local Gov't Fin.,* 854 N.E.2d 90, 95 (Ind. Tax Ct. 2006). Otherwise, the evidence lacks probative value. *See id*. ("[E]vidence regarding the value of property in 1997 and 2003 has no bearing upon 2002 assessment values without some explanation as to how these values relate to the January 1, 1999 value."). For March 1, 2008 assessments, the valuation date was January 1, 2007. *See* 50 IAC 21-3-3(b) (2009) (making the valuation date for assessments after March 1, 2005 January 1 of the year preceding the assessment date).[5]

c) Ms. Robison relied on Mr. Lindsay's appraisal report. Mr. Lindsay certified that he prepared his report in accordance with USPAP, and he used two generally accepted approaches to estimate the homesite's market value. Thus, his appraisal was generally probative of the homesite's market value-in-use. But Mr. Lindsay estimated the homesite's value as of September 5, 2008—more than 21 months after the January 1, 2007 valuation date that applied to March 1, 2008 assessments.

d) Nonetheless, because Mr. Lindsay relied solely on sales from 2007, his valuation opinion bears at least some relationship to the homesite's value as of January 1, 2007. Granted, that relationship is not precise. But the Department of Local Government Finance's rules for annual adjustments that were in effect at the times relevant to these appeals instructed assessors to use sales from 2006 and 2007 in performing ratio studies for the March 1, 2008 assessment date. 50 IAC 21-3-3(a) (2009) ("For assessment years occurring March 1, 2007 and thereafter, the local assessing official shall use sales of properties occurring the two (2) calendar years preceding the relevant assessment date."). Thus, Mr. Lindsay's appraisal bears enough of a relationship to the homesite's value as of January 1, 2007 to make a prima facie case for reducing the homesite's March 1, 2008 assessment to $260,000.

e) The Assessor did not even try to impeach Mr. Lindsay's appraisal. Instead, she relied on the sales of vacant parcels owned by the Becks and Brodbecks that her witness,

[5] Beginning with March 1, 2010 assessments, the valuation date and assessment date are the same. *See* I.C. 6-1.1-4-4(c); I.C. § 6-1.1-4-4.5(f).

Ms. Olinger, claimed supported the homesite's assessment. Ms. Olinger, however, did little to explain how the Beck or Brodbeck properties compared to Ms. Robison's homesite other to highlight their proximity to each other. And Ms. Olinger made no attempt to explain how any relevant differences affected the properties' relative values. *See Long v. Wayne Twp. Assessor,* 821 N.E.2d 466, 471-72 (Ind. Tax Ct. 2005) (holding that sales data lacked probative value where taxpayers failed to explain how the characteristics of their property compared to the characteristics of purportedly comparable properties or how any differences between the properties affected their relative market values-in-use). Instead, Ms. Olinger simply took the raw sale prices from her two sales to calculate a value range of $6,500 to $10,500 per front foot. Ms. Olinger's analysis therefore was too superficial for those two sales to carry any probative weight.

f) The Assessor also offered a copy of an appraisal report in which William Schnepf estimated the homesite's market value-in-use at $300,000 as of January 1, 2010. The Assessor, however, did not rely on Mr. Schnepf's valuation opinion. Indeed, Ms. Olinger listed a number of reasons why she felt that Mr. Schnepf's opinion lacked credibility, although she did not elaborate on those points once she realized that Ms. Robison was not relying on Mr. Schnepf's appraisal. In any event, Mr. Schnepf estimated the homesite's value as of a time significantly more removed from the relevant January 1, 2007 valuation date than did Mr. Lindsay. Consequently, to the extent that the Board was to find that Mr. Schnepf's appraisal relevant to the homesite's market value-in-use as of January 1, 2007, it would still give more weight to Mr. Lindsay's appraisal.

g) Thus, based on Mr. Lindsay's appraisal, the Board finds that the homesite's true tax value for the March 1, 2008 assessment date was $260,000. The Board now turns to Ms. Robison's appeal of the homesite's March 1, 2007 assessment.

2. Appeal of March 1, 2007 assessment.

17. The Assessor failed to meet her burden of proof concerning the homesite's March 1, 2007 assessment. Ms. Robison is therefore entitled to have the homesite's assessment revert to its March 1, 2006 level. Ms. Robison however, failed to offer probative evidence justifying any further reduction. The Board reaches these conclusions for the following reasons:

a) The Board deals first with the Assessor's case. As discussed above, the Assessor's analysis of the Beck and Brodbeck vacant-land sales was too superficial for the Board to give those sales any probative weight. Mr. Schnepf's appraisal, however, arguably carries some weight. Although Mr. Schnepf estimated the homesite's market value-in-use as of January 1, 2010, he provided at least some information that explains how his estimate relates to the homesite's value as of the January 1, 2006 valuation date that applies to March 1, 2007 assessments. *See* 50 IAC 21-3-3(b) (2009). For example, in his appraisal report, Mr. Schnepf said that the market appreciated by

roughly 6% a year up to January 2007, became flat until 2008, and declined by approximately 10% since 2008.

b) The discussion in Mr. Schnepf's appraisal might support a conclusion that the homesite was worth more as of January 1, 2006 than it was worth as of Mr. Schnepf's January 1, 2010 valuation date. But it is not specific enough to support adjusting Mr. Schnepf's valuation opinion to any particular value as of January 1, 2006. More importantly, the Assessor did not rely on Mr. Schnepf's appraisal; instead, her representative repeatedly referred to that appraisal as "moot." *Olinger testimony*. Thus, Mr. Schnepf's appraisal does not suffice to prove that the homesite's true tax value was more than $315,700 (its March 1, 2006 assessment level) for the March 1, 2007 assessment date.

c) But the Board's inquiry does not end there; Ms. Robison sought an assessment of $260,000. The Board must therefore determine whether Ms. Robison proved that she was entitled to that lower amount.

d) As explained above, Mr. Lindsay appraised the homesite at $260,000 as of September 28, 2008. Because Mr. Lindsay relied exclusively on sales from 2007, his appraisal sufficed to show the property's market value as of the January 1, 2007 valuation date that applied to Ms. Robison's appeal of the homesite's March 1, 2008 assessment. But those sales were all more than a year removed from the *January 1, 2006* valuation date that applied to Ms. Robison's appeal of the homesite's *March 1, 2007 assessment*. Thus, Ms. Robison needed to offer something to explain how Mr. Lindsay's appraisal related to the homesite's value as of that earlier valuation date.

e) One might be tempted to look to Mr. Lindsay's appraisal report for that explanation. But while Mr. Lindsay addressed changes in the Lake James market over the three years leading up to September 12, 2008, he did so in confusing and contradictory terms. For example, in addendum D to his appraisal, Mr. Lindsay alternately referred to the market as decreasing and increasing: "Even though the local market *has decreased* over the past three years, in some cases up to 30% *there comes a point when the increase* is not across the board and certain properties rise to a value and are stagnet (sic)." *Pet'r Ex. 2 at addendum D (emphasis added)*. He then followed up with an analysis of two properties from which he concluded that the market was on average 25% better in 2005-2006 than it was in 2007.

f) Mr. Lindsay did not testify at the hearing to clear up the confusing and contradictory statements in his appraisal report. And neither Ms. Robison nor her witness, Mr. Robison, did anything to clear up that confusion. The only other evidence about market changes between January 1, 2006 and the sale dates from Mr. Lindsay's sales-comparison analysis is found in Mr. Schnepf's appraisal report and letter. Again, though, Ms. Robison did not attempt to reconcile Mr. Schnepf's opinion that the market may have appreciated during that period with Mr. Lindsay's statements that the market declined. Indeed, nobody really attempted to rely on Mr. Schnepf's appraisal report or letter for much of anything. Under those circumstances, those

documents do not suffice to show that the homesite was worth anything less than $315,700 as of January 1, 2006.

g) Ms. Robison therefore failed to prove that she was entitled to have the homesite's March 1, 2007 assessment reduced below the previous year's level of $315,700. The Board now turns to Ms. Robison's appeals for Parcel 644.

B. Parcel 644

1. Appeal of March 1, 2008 Assessment

18. As explained above, Parcel 644's assessment did not change between March 1, 2007, and March 1, 2008. Ms. Robison therefore had the burden of proving that she was entitled to have that parcel's March 1, 2008 assessment reduced. As explained below, Ms. Robison failed to meet her burden of proof.

a) Ms. Robison offered an appraisal report prepared by M. Luanne Putnam estimating Parcel 644's market value at $21,600. Ms. Putnam certified that she prepared her report in accordance with USPAP. And she used the sales-comparison approach to form her valuation opinion. Ms. Putnam, however, estimated the parcel's value as of December 20, 2005—more than a year before the January 1, 2007 valuation date that applied to Ms. Robison's appeal of the parcel's March 1, 2008 assessment.

b) Mr. Robison therefore needed to explain how Ms. Putnam's appraisal related to the parcel's market value-in-use as of January 1, 2007. As discussed above, however, neither Mr. Lindsay's appraisal report nor any of the documents prepared by Mr. Schnepf adequately explains that relationship. Thus, Ms. Robison failed to meet her burden of proof for reducing Parcel 644's March 1, 2008 assessment.

2. Appeal of March 1, 2007 Assessment

19. Parcel 644's March 1, 2007 assessment is a different story. First, the Assessor, not Ms. Robison, had the burden of proof (at least to the extent that Ms. Robison sought to have the parcel's assessment returned to its March 1, 2006 level). More importantly, Ms. Robison affirmatively proved that the parcel's assessment should be reduced to $21,600. The Board reaches that conclusion for the following reasons:

a) Ms. Putnam estimated Parcel 644's market value as of a date that was only 12 days before the January 1, 2006 valuation date that applied to Ms. Robison's appeal of the parcel's March 1, 2007 assessment. And because Ms. Putnam certified that she complied with USPAP and used a generally accepted valuation approach, her appraisal is prima facie evidence of the parcel's true tax value.

b) Ms. Olinger sought to impeach Ms. Putnam's appraisal by pointing out that Ms. Putnam's comparable sales occurred in 2002 and 2004, which Ms. Olinger argued were too far removed from the relevant January 1, 2006 valuation date. The Board

shares Ms. Olinger's concern, although it notes that Ms. Olinger used sales from 2004 in her own sales-comparison analysis without adjusting her sale prices. Nonetheless, Ms. Putnam apparently considered adjusting her comparable properties' sale prices to account for time-related market differences between those sales and her appraisal's valuation date, but decided against such adjustments. Thus, absent evidence of significant market appreciation during the period between the sale dates for Ms. Putnam's comparable sales and her January 1, 2006, Ms. Putnam's appraisal sufficiently relates to Parcel 644's value as of that later valuation date. And the Assessor did not offer evidence to show significant market appreciation during that period. At most, the Assessor offered Mr. Schnepf's appraisal and letter in which he indicated that waterfront property generally appreciated by 6% per year leading up to 2007. But Mr. Schnepf did not explain how far back his research extended.

c) Ms. Olinger also pointed to two sales of neighboring properties to support Parcel 644's assessment. Ms. Olinger, however, did little to explain how the two sold properties compared to Parcel 644 other than their proximity to each other. And she made no attempt to explain how any relevant differences affected the properties' relative values. *See Long v. Wayne Twp. Assessor*, 821 N.E.2d 466, 471-72 (Ind. Tax Ct. 2005) (holding that sales date lacked probative data where taxpayer failed to explain how the characteristics of their property compared to the characteristics of purportedly comparable properties or how any differences between the properties affected their relative market values-in-use). Ms. Olinger's analysis therefore was too superficial for those two sales to carry any probative weight.

Conclusion

20. Based on Mr. Lindsay's appraisal, Ms. Robison proved that the homesite's March 1, 2008 assessment should be reduced to a total of $260,000. Ms. Robison, however, did not explain how Mr. Lindsay's appraisal related to the homesite's market value-in-use as of the valuation date that applied to the property's March 1, 2007 assessment. So she was not entitled to have the homesite's assessment reduced to $260,000 for that assessment date. Nonetheless, the Assessor had the burden of justifying the increase over the homesite's March 1, 2006 assessment. Because the Assessor failed to meet her burden, Ms. Robison was entitled to have the homesite's March 1, 2007 assessment reduced to its 2006 level of $315,700.

21. As to Parcel 644, Ms. Robison failed to meet her burden of proof concerning the parcel's March 1, 2008 assessment. The Board therefore affirms that assessment. Based on Ms. Putnam's appraisal, however, Ms. Robison proved that Parcel 644's March 1, 2007 assessment should be reduced to $21,600.

Final Determination

In accordance with the above findings and conclusions, the Indiana Board of Tax Review orders that the parcels under appeal be assessed as follows:

Homesite

Assessment Year	Parcel Nos.	Assessment
March 1, 2008	608 and 609	$260,000 total
March 1, 2007	608	$201,800
March 1, 2007	609	$113,900

Vacant Stand-Alone Parcel

Assessment Year	Parcel No.	Assessment
March 1, 2008	644	$38,200 (no change)
March 1, 2007	644	$21,600

ISSUED: _____

_____
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>.