

INDIANA BOARD OF TAX REVIEW

Final Determination Findings and Conclusions Lake County

Petition #: 45-041-02-1-5-00246
Petitioners: Steven & Valerie Katic
Respondent: Department of Local Government Finance
Parcel #: 003-31-25-0030-0028
Assessment Year: 2002

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

Procedural History

1. An informal hearing as described in Ind. Code § 6-1.1-4-33 was held in November 2003 between the Petitioner and the Respondent. The Department of Local Government Finance (DLGF) determined that the Petitioner's property tax assessment for the subject property was \$153,700 and notified the Petitioners on March 12, 2004.
2. The Petitioner filed a Form 139L on April 12, 2004.
3. The Board issued a notice of hearing to the parties dated July 28, 2004.
4. Special Master Barbara Wiggins held the hearing in Crown Point on September 16, 2004.

Facts

5. The subject property is located at 13340 Morse Street, Cedar Lake, in Center Township.
6. The subject property is a two-unit residential use property on 0.241 acres of land.
7. The Special Master did not conduct an on-site visit of the property.
8. Assessed Value of the subject property as determined by the DLGF:
Land \$18,000 Improvements \$135,700 Total \$153,700.
9. Petitioner requested a total assessed value of \$130,000.
10. The following persons were present and sworn as witnesses at the hearing:
For Petitioner — Valerie Katic, Co-Owner,
For Respondent — David Depp, Senior Appraiser, Cole-Layer-Trumble.

Issue

11. The Petitioner's contention for a lower value at \$130,000 is based on age, condition, and inferior location. *Katic testimony*.
12. Summary of Respondent's contentions in support of assessment:
 - a. There are no true comparables for this type of property because of its change in use from commercial to residential. *Depp testimony*.
 - b. The Respondent agreed that the property would be fairly assessed at the \$130,000 Petitioner requested. *Depp testimony*.

Record

13. The official record for this matter is made up of the following:
 - a. The Petition.
 - b. The tape recording of the hearing labeled Lake Co. 424.
 - c. Exhibits:
 - Petitioner Exhibit 1: Photographs of subject property
 - Respondent Exhibit 1: Form 139L
 - Respondent Exhibit 2: Subject property record card & photograph
 - Respondent Exhibit 3: Comparable Summary with property record cards and photographs
 - d. These Findings and Conclusions.

Analysis

14. The most applicable governing cases are:
 - a. A Petitioner seeking review of a determination of an assessing official has the burden to establish a prima facie case proving that the current assessment is incorrect, and specifically what the correct assessment would 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).
 - b. In making its case, the taxpayer must explain how each piece of evidence is relevant to the 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. The evidence and testimony support the Petitioner's contention for a reduction in assessed value. This conclusion was arrived at because:
- a. The Petitioner presented photographs illustrating the condition and quality of the subject property. The Petitioner discussed the history of the property as being formerly utilized as a commercial storefront building that sat vacant for approximately ten years before the Petitioners purchased the parcel in 1994 at a discount due to its lack of marketability. The Petitioners rehabilitated the interior of the building to create two rentable living units each with one bedroom and one bathroom.
 - b. The Respondent agreed the property is unique in its design for a duplex and no true sales comparables exist. The market value would be less than that for a structure designed and built as a duplex. The parcel is basically commercial design building rather than a residential one. The Respondent agreed that the Petitioner's opinion of value at \$130,000 is a fair and reasonable market value for this property considering its outmoded design and current condition.

Conclusion

16. The parties agreed that the assessed value of the property should be reduced. The Board will accept their agreement on value.

Final Determination

In accordance with the above findings and conclusions, the Indiana Board of Tax Review now determines that the assessment should be changed to \$130,000.

ISSUED: _____

Commissioner,
Indiana Board of Tax Review

IMPORTANT NOTICE

- APPEAL RIGHTS -

You may petition for judicial review of this final determination pursuant to the provisions of Indiana Code § 6-1.1-15-5. The action shall be taken to the Indiana Tax Court under Indiana Code § 4-21.5-5. To initiate a proceeding for judicial review you must take the action required within forty-five (45) days of the date of this notice.