

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

Petition: 75-003-20-1-6-00581-20
Petitioner: Tammie L. Taulbee
Respondent: Starke County Assessor
Parcel: 75-404-00025-00
Assessment Year: 2020

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

PROCEDURAL HISTORY

1. Tammie L. Taulbee contested the 2020 assessment of her mobile home and associated improvements located at 1760 E. 200 S. in Knox. The Starke County Property Tax Assessment Board of Appeals (“PTABOA”) issued its determination upholding the original \$17,200 assessment (mobile home at \$15,400 and wood deck at \$1,800).
2. Taulbee timely filed a Form 131 petition with the Board and elected to proceed under our small claims procedures. On December 1, 2020, Ellen Yuhan, our designated administrative law judge (“ALJ”), held a telephonic hearing on Taulbee’s petition. Neither she nor the Board inspected the property.
3. Taulbee and Starke County Assessor Michelle Schouten appeared pro se and testified under oath.

RECORD

4. The official record for this matter contains the following:
 - a. Respondent Exhibit A: Form 115 PTABOA Determination
 - Respondent Exhibit B: Article 3.3 of the Indiana Administrative Code
 - Respondent Exhibit C: 2019 NADA Guide price sheet
 - Respondent Exhibit D: 2019 personal property mobile home property record card
 - Respondent Exhibit E: 2020 NADA Guide price sheet
 - Respondent Exhibit F: 2020 personal property mobile home property record card

- b. The record 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.

BURDEN OF PROOF

5. Generally, a taxpayer seeking review of an assessing official's determination has the burden of proof. Indiana Code § 6-1.1-15-17.2 creates an exception to that general rule and assigns the burden of proof to the assessor in two circumstances—where the assessment under appeal represents an increase of more than 5% over the prior year's assessment, or where it is above the level determined in a taxpayer's successful appeal of the prior year's assessment. I. C. § 6-1.1-15-17.2 (b) and (d).
6. Here, the assessment increased from \$10,400 in 2019 to \$17,200 in 2020—an increase of more than 5%. The Assessor conceded that she therefore bears the burden of proof.

SUMMARY OF CONTENTIONS

7. The Assessor's case:
 - a. The Assessor contends that 50 IAC 3.3-5-1 offers three methods of assessing personal property mobile homes like the subject. Method #1 involves using the NADA Guide, which is what she did in this case. Method #2 is to use the purchase price of the mobile home if the sale is of a commercial nature between an unrelated buyer and seller and it occurs within one year of the valuation date. Taulbee's home had not sold in the past few years so that method could not be used. Method #3 is to use sales data for generally comparable mobile homes. However, the Assessor has no way to collect or obtain that data because it is not public record and sales disclosures are not required for personal property mobile homes. Thus, the only way for the Assessor to come up with a value for Taulbee's mobile home was to use the NADA Guide. *Schouten testimony; Resp't Exs. A, B.*
 - b. At the PTABOA hearing, Taulbee agreed that the raw data the Assessor entered into the NADA Guide was correct. The PTABOA therefore determined that they were unable to make any changes. The NADA worksheets that the Assessor relied on to value Taulbee's mobile home for 2019 and 2020 show that she used the same raw data for both years. For 2019, the NADA Guide produced a total value of \$8,750.54 for the mobile home, which the Assessor rounded to an assessed value of \$8,800. For 2020, the NADA Guide produced a total value of \$15,439.80 for the mobile home, which the Assessor rounded to an assessed value of \$15,400. *Schouten testimony; Resp't Exs. C-F.*
 - c. Starke County and several other counties questioned the increase in the values from 2019 to 2020. They were told that there was an error in the NADA formula J.D. Power had been using for the past several years. Mobile homes had been grossly

under-assessed under that formula. J.D. Power adjusted the formula when they discovered the error, which caused the increase in values. The Assessor then sent someone out to every mobile home in the county to make sure that the raw data she had was as accurate as possible. Most of the data was correct and mobile home values increased pretty much across the board. *Schouten testimony*.

8. Taulbee's case:
 - a. Taulbee talked to J.D. Power about the huge increase in her mobile home's value and was told it was up to the counties whether they wanted to increase the values to that extent. She researched mobile homes trying to find a bill of sale for a 1995 Skyline to compare to her mobile home, but she was unable to because sales information is not public knowledge. Taulbee then started comparing mobile homes locally and noticed assessments had gone up on even burnt-out mobile homes. She is not claiming that the Assessor's documents contain false information, but Taulbee does not believe that a \$6,800 increase is justifiable because mobile homes depreciate. *Taulbee testimony*.

ANALYSIS

9. The Assessor made a prima facie case supporting the assessment of Taulbee's mobile home. However, the Assessor failed to make a prima facie case supporting the assessment of Taulbee's wood deck. The Board reached this decision for the following reasons:
 - a. 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 under Ind. Code § 9-17-6 and is not on a permanent foundation, the Department of Local Government Finance's ("DLGF") regulations define it as an "annually assessed mobile home." 50 IAC 3.3-2-2. 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 under Ind. Code § 9-17-6 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.
 - b. In this case, the parties did not offer any evidence from which we can determine whether Taulbee's mobile home is an annually assessed mobile home or a real property mobile home. However, the Assessor assessed it using the method prescribed for an annually assessed mobile home. Because Taulbee did not challenge the Assessor's methodology or the home's classification, we infer that Taulbee's mobile home meets the DLGF's definition of an "annually assessed mobile home" and should be assessed accordingly.
 - c. Annually assessed mobile homes and exterior features, yard structures, and improvements owned by the mobile homeowner and located on the same parcel as the mobile home, are assessed on January 15 of each year. 50 IAC 3.3-3-1(d); 50 IAC

3.3-4-1(a). The true tax value of all annually assessed mobile homes assessed after January 14, 2007 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 15 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).

- d. The Assessor offered evidence demonstrating that she properly assessed Taulbee's mobile home using the NADA Guide. She also credibly explained why the two additional methods prescribed by the DLGF's regulations were not viable options in this case: (1) Taulbee's mobile home was not sold in a commercial nature between an unrelated buyer and seller within a year of the assessment date; and (2) the Assessor was unable to locate any sales data for comparable mobile homes. Thus, we conclude the Assessor made a prima facie case that the \$15,400 assessment for Taulbee's mobile home is correct.
- e. The same is not true of the \$1,800 assessment for Taulbee's wood deck. The Assessor failed to even acknowledge that the deck was an issue, much less offer any valuation evidence in support of its assessment. Accordingly, we conclude that Taulbee is entitled to have her deck's assessment reverted to its 2019 value of \$1,600.
- f. While Taulbee complained that the \$6,800 increase in her assessment is not justifiable for a depreciating asset, she did not challenge the credibility of the Assessor's evidence in a meaningful way. She also failed to submit any probative valuation evidence of her own regarding the mobile home or the deck. Thus, we ultimately find for the Assessor with respect to the assessment of the mobile home and conclude that Taulbee failed to make a case for lowering her deck's assessment below its reversionary value.

FINAL DETERMINATION

In accordance with the above findings of fact and conclusions of law, we find for the Assessor on the valuation of the mobile home and order no change to its 2020 assessment. We find for Taulbee on the valuation of the wood deck and order its assessment reverted to \$1,600.

ISSUED: February 25, 2021

Chairman, Indiana Board of Tax Review

Commissioner, Indiana Board of Tax Review

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>>.