

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

**Petition #:** 48-003-06-1-5-07338  
**Petitioner:** Garland Wooldridge  
**Respondent:** Madison County Assessor  
**Parcel #:** 18584D34Z  
**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. Garland Wooldridge filed an appeal with the Madison County Property Tax Assessment Board of Appeals (“PTABOA”) contesting his property’s assessment. On May 8, 2008, the PTABOA issued its decision reducing Mr. Wooldridge’s assessment, although not by as much as he had requested.
2. Mr. Wooldridge timely filed a Form 131 petition with the Board. Mr. Wooldridge elected to have this case heard under the Board’s small-claims procedures.
3. On September 9, 2008, the Board’s administrative law judge, Jennifer Bippus (“ALJ”) conducted an administrative hearing.
4. People present and sworn in at hearing:
  - a) Garland Wooldridge
  - b) For the Madison County Assessor:  
Lori Farris, Anderson Township Deputy Assessor  
Jack E. Norris, Jr., Madison County Chief Deputy Assessor  
Jennifer Robbins, Madison County Deputy Assessor

**Facts**

5. The property contains a single-family home located at 809 Greenfield Drive, Anderson.
6. Neither the Board nor the ALJ inspected the property.

7. The PTABOA valued Mr. Wooldridge's land at \$13,200 and his improvements at \$62,000 for a total assessment of \$75,200.
8. Mr. Wooldridge requested a total assessment of \$69,000.

### **Parties' Contentions**

9. Mr. Wooldridge offered the following evidence and arguments:
  - a) Mr. Wooldridge has a brick house with 1,040 square feet, two bedrooms, one bath, and a two-car garage. His property is assessed for \$75,200 which works out to be \$73 per square foot. He compared his property's assessment to the assessments of the following three properties:
    - 4032 McKinley Avenue. This property is five houses away from Mr. Wooldridge's property. It has a brick home with 1,066 square feet, three bedrooms, one bath, and a two and a half car garage. It is assessed for of \$81,400.
    - 911 Hilltop Boulevard. This property is only three houses from Mr. Wooldridge's property. It has a brick house with 1,339 square feet, three bedrooms, and 1 ½ baths. It is assessed for \$84,800 which works out to \$63 per square foot.
    - 810 Greenfield Drive. This property is across the street from Mr. Wooldridge's property. It has a brick house with 1,722 square feet, three bedrooms, and one and a half bathrooms. It is assessed for \$98,800 which works out to \$56 per square foot.

*Wooldridge testimony; Pet'r Exs. 1-2, 4-5.*

- b) Mr. Wooldridge also offered a "Comparative Market Analysis" of eight properties from the same area as his property that sold between January 22, 2007, and February 29, 2008. All of the houses included in that analysis are nice and were built around the same time. Five of the houses have three bedrooms and the others have two bedrooms. The house on Hattie Drive sold for \$72,000 or \$54 per square foot. The house on Central Avenue sold for \$68,000 and it is exactly the same size as Mr. Wooldridge's house. *Wooldridge testimony; Pet'r Ex. 3.* The properties included in Mr. Wooldridge's analysis sold, on average, for \$60 to \$67 per square foot of living area—significantly less than the \$73 per square foot of living area that Mr. Wooldridge's property is assessed for. *Id.*
- c) Mr. Wooldridge included the house at 4032 McKinley Avenue in his "Comparative Market Analysis." That property is located very close to Mr. Wooldridge's property, and the two houses are very similar in size. Both houses were built in the same year and are brick. The realtor's listing for the McKinley Avenue property says that it has hardwood floors, new carpet, a fenced yard and mature trees. The only differences between the two properties are that the McKinley Avenue property has a larger

garage, one extra bedroom, a fenced backyard, and a gabled roof. *Wooldridge testimony*. The McKinley Avenue property sold for \$67,500 or \$63 per square foot of living area. *Wooldridge testimony; Pet'r Ex. 2*. Mr. Wooldridge believes that the McKinley Avenue property's sale price offers the best evidence of his property's value. *Wooldridge argument*.

- d) Mr. Wooldridge would not be able to sell his property for its current assessment. There are homes in the neighborhood that have been for sale for two years. The housing market declined from 2006 to 2008, with the greatest decline occurring in the six months leading up to the Board's hearing. Mr. Wooldridge does not think that the McKinley Avenue property would sell for \$67,500 now. The housing market has gone down even more in the last six months. *Wooldridge testimony*.
- e) Mr. Wooldridge has seen his property's assessment increase by 11% while another property's assessment decreased. Also, the home across the street has had central air conditioning for 20 years but is not being assessed for it. *Wooldridge testimony; Pet'r Ex. 5*.

10. The Madison County Assessor offered the following evidence and arguments:

- a) As a result of Mr. Wooldridge's appeal, the PTABOA lowered the quality grade for Mr. Wooldridge's house to a C-1. It also lowered the house's condition rating to Average. *Farris testimony*.
- b) Mr. Wooldridge correctly noted that property values are decreasing. Trending will help lower his assessment in the future. *Farris testimony*.

### **Record**

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

- a) The Form 131 petition,
- b) A digital recording of the hearing,
- c) Exhibits:

Petitioner Exhibit 1: Property record card ("PRC") and photographs of property,

Petitioner Exhibit 2: PRC, photograph, and listing information for 4032  
McKinley Avenue,

Petitioner Exhibit 3: Comparative Market Analysis,

Petitioner Exhibit 4: PRC and photograph for 911 Hilltop Boulevard,

Petitioner Exhibit 5<sup>1</sup>: PRC and photograph for 810 Greenfield Drive.

The Respondent did not present any exhibits.

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<sup>1</sup> Although Mr. Wooldridge listed seven exhibits on his coversheet, he offered only the five exhibits listed above.

Board Exhibit A: Form 131 petition and attachments,  
Board Exhibit B: Notice of hearing,  
Board Exhibit C: Hearing sign-in sheet,  
Board Exhibit D: Notice that Jack Norris would appear for the County Assessor  
Board Exhibit E: Notice of Township Assessor Appearance as Additional Party,<sup>2</sup>  
Board Exhibit F: Notice of Township Assessor Representation.

d) These Findings and Conclusions.

## **Analysis**

### Burden of Proof

12. A petitioner seeking review of an assessing official's determination must establish a prima facie case proving both that the current assessment is incorrect and specifically 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).
13. In making its case, the petitioner 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”).
14. Once the petitioner establishes a prima facie case, the burden shifts to the respondent to impeach or rebut the petitioner's evidence. *See American United Life Ins. Co. v. Maley*, 803 N.E.2d 276 (Ind. Tax Ct. 2004); *see also Meridian Towers*, 805 N.E.2d at 479.

### Mr. Wooldridge's Case

15. Mr. Wooldridge did not make a prima facie case for reducing his assessment. The Board reaches this conclusion for the following reasons:
  - a) Indiana assesses real property based on its “true tax value,” 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.” 2002 REAL PROPERTY ASSESSMENT MANUAL at 2 (incorporated by reference at 50 IAC 2.3-1-2). The appraisal profession traditionally has used three methods to determine a property's market value: the cost, sales-comparison, and income approaches. *Id.* at 3, 13-15. Indiana assessing officials generally value real property using a mass-appraisal version of the cost approach, as set forth in the Real Property Assessment Guidelines for 2002 – Version A.

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<sup>2</sup>The body of that document simply restates the County Assessor's desire to have the Anderson Township Assessor represent her. It says nothing about the Anderson Township Assessor seeking to intervene as a party. We therefore do not address whether the Anderson Township Assessor had a right to intervene as a party.

- 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. P/A 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 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) Regardless of the method used to rebut the assessment's presumption of accuracy, 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); see also *Long v. Wayne Twp. Assessor*, 821 N.E.2d 466, 471 (Ind. Tax Ct. 2005). For the March 1, 2006, assessment, that valuation date is January 1, 2005. IND. ADMIN. CODE tit. 50, r. 21-3-3.
- d) Mr. Wooldridge tried to show that his property was worth no more than \$69,000 by comparing it to eight properties from the same area that sold between January 22, 2007, and February 29, 2008. In doing so, Mr. Wooldridge correctly recognized that one can estimate a property's value indirectly by looking to the values of comparable properties. Indeed, that is what the sales-comparison approach does. Mr. Wooldridge, however, did not follow that approach's basic requirements.
- e) The sales-comparison approach assumes that potential buyers will pay no more for a subject property than it would cost them to purchase an equally desirable substitute property already existing in the market place. *Id.* A person applying the sales-comparison approach must first identify comparable properties that have sold. *Id.* He then "considers and compares all possible differences between the comparable properties and the subject property that could affect value," using objectively verifiable evidence to determine which items actually affect value in the marketplace. *Id.* The contributory value of those items are then quantified and used to adjust the comparable properties' sale prices. *Id.*
- f) Thus, to use the sales-comparison analysis as evidence in an assessment appeal, a taxpayer must show that the properties upon which he based his analysis are comparable to the property under appeal. Conclusory statements that a property is "similar" or "comparable" to another property do not suffice. *Long v. Wayne Twp. Assessor*, 821 N.E.2d 466, 470 (Ind. Tax Ct. 2005). Instead, the taxpayer must identify the characteristics of the subject property and explain how those characteristics compare to the characteristics of the purportedly comparable properties. *Id.* at 471. Similarly, he must explain how any differences between the properties affect their relative market values-in-use. *Id.*

- g) Mr. Wooldridge at least attempted to compare his property's features to various features of some of the purportedly comparable properties in his "Comparative Market Analysis." But he did not adjust the sale prices of those properties to account for relevant differences between the properties. That failure is particularly troublesome in this case, given the relatively small gap between those sale prices and the subject property's assessment. Relatively modest adjustments might close that gap.
- h) Even if Mr. Wooldridge had scrupulously adjusted his comparable properties' sale prices, those sales all occurred more than two years after the relevant January 1, 2005, valuation date. Mr. Wooldridge did not adequately explain how those prices related to his property's value as of January 1, 2005. In fact, he acknowledged that values had been declining from 2006 forward. Thus, if anything, the sales in his Comparative Market Analysis would tend to understate his property's value as of January 1, 2005.
- i) Mr. Wooldridge also compared his assessment to the assessments of five nearby properties. In doing so, he improperly mixed the cost and sales-comparison approaches to value. Also, by using those assessments as substitutes for sale prices, Mr. Wooldridge estimated his property's value based on *estimates* of other properties' values, and mass-appraisal estimates at that. The Board doubts that such an attenuated approach complies with generally accepted appraisal principles. And Mr. Wooldridge did nothing to allay that doubt.
- j) Even if one could substitute assessments for sale prices, Mr. Wooldridge did not adequately compare the features of his property to those of the three properties in question. And, as with his Comparative Market Analysis, he failed to adjust the purportedly comparable properties' assessments to account for relevant differences.
- k) Perhaps Mr. Wooldridge pointed to the other properties' assessments not to show his property's market value-in-use, but rather to show a lack of uniformity and equality in assessments. Given the market-value-in-use universe in which we now operate, the Board doubts that a taxpayer can make such a claim simply by comparing assessments without showing that his property is assessed at a higher percentage of its market value-in-use than other properties. See *Westfield Golf Practice Center, LLC v. Washington Twp. Assessor*, 859 N.E.2d 396, 399 (Ind. Tax Ct. 2007)(finding that taxpayer failed to prove a lack of uniformity and equality where it did not show the market values-in-use of its own property or of any purportedly comparable properties). Even if a taxpayer could forego comparing assessment-to-market-value-in-use ratios, the taxpayer would have to offer a detailed comparison of his property and the properties that he contends received more favorable treatment. As already explained, Mr. Wooldridge did not offer that type of detailed comparison.
- l) Finally, Mr. Wooldridge commented that his assessment had increased while another property's assessment had decreased by 11% and that the Assessor had improperly

removed another neighbor's central air conditioning from the neighbor's assessment. Suffice it to say that neither of those facts does anything to show the market value-in-use of Mr. Wooldridge's property.

- m) Because Mr. Wooldridge offered no market-based evidence to rebut the presumption that his current assessment is correct, he failed to make a prima facie case.

**Conclusion**

- 16. Mr. Wooldridge failed to make a prima facie case. The Board finds in favor of the Madison County Assessor.

**Final Determination**

In accordance with the above findings and conclusions the Indiana Board of Tax Review now affirms the assessment.

ISSUED: \_\_\_\_\_

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Commissioner, 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>.