

INDIANA BOARD OF TAX REVIEW

Final Determination Findings and Conclusions Lake County

Petition #: 45-016-02-1-5-00030
Petitioner: Robert F. Blatz
Respondent: Department of Local Government Finance
Parcel #: 006-14-19-0083-0020
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. The informal hearing as described in Ind. Code §6-1.1-4-33 was held on November 17, 2003, in Lake County, Indiana. The Department of Local Government Finance (DLGF) determined that the Petitioner's property tax assessment for the subject property was \$88,100 and notified the Petitioner on March 26, 2004.
2. The Petitioner filed a Form 139L on April 12, 2004.
3. The Board issued a notice of hearing to the parties dated June 24, 2004.
4. Special Master S. Sue Mayes held the hearing in Crown Point, on August 31, 2004.

Facts

5. The subject property is located at 2860 Grand Boulevard, Lake Station in Hobart Township.
6. The subject property is a residential lot measuring 25 feet x 128 feet with a two-story colonial house and a detached garage.
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 \$7,400 Improvements \$ 80,700 Total \$88,100.
9. Assessed Value requested by Petitioner:
Land \$2,500 Improvements \$ 39,750 Total \$42,250.

10. Persons sworn as witnesses at the hearing:
For Petitioner: Robert F. Blatz, Taxpayer,
For Respondent: Sharon S. Elliott, Staff Appraiser, Cole, Layer, and Trumble.

Issues

11. Summary of Petitioner's contentions in support of an alleged error in the assessment:
- a. The subject lot along with five other lots and a house was purchased in 1955 for \$18,500. *Pet. Ex. 1, 2; Blatz testimony.* A vacant lot on 37th Avenue is valued at \$2,200. The subject lot should not be assessed for more than \$2,200. *Pet. Ex. 2; Blatz testimony.* Approximately twenty years ago, as a real estate broker, the Petitioner sold lots of similar size in Lake Station for \$2,200. *Blatz testimony.*
 - b. The house is in need of repairs such as replacing 25 windows, cracked plaster, mold cleanup, and asbestos tile on the floors. After the City of Gary ran sewer lines to the subject property, replacing the septic system, the installation of a sump pump was needed to pump out the wastewater. *Blatz testimony.* The insurance coverage for the house is \$65,000. *Pet. Ex. 3; Blatz testimony.*
12. Summary of Respondent's contentions in support of the assessment:
- a. Although each lot is only 25 feet wide, the Petitioner owns several adjacent lots. If these lots were combined, someone could build on them. *Elliott testimony.*
 - b. The land values are approved, adopted and monitored by the DLGF. *Elliott testimony.*
 - c. The land used as a comparable, 37th Avenue, is located in Calumet Township. The subject property is located in Hobart Township. *Elliott testimony.*
 - d. As a result of the informal hearing, the assessment of the house was reduced \$900 because the Petitioner showed proof of structural problems. *Elliott testimony.*
 - e. The terms of the insurance policy is 60 percent of replacement cost. The insured amount of the house is \$65,000 and the assessment is \$74,000. The house is fairly and equitably assessed. *Pet. Ex. 3; Elliott testimony.*
 - f. The square foot cost of the subject dwelling is \$43 and the average square foot cost of the three comparable sales is \$44. *Resp. Ex. 3; Elliott 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. - 180.
 - c. Exhibits:
 - Petitioner Exhibit 1: A copy of the Purchase Proposition for the subject property dated August 29, 1955
 - Petitioner Exhibit 2: A copy of the closing statement for the subject property
 - Petitioner Exhibit 3: A copy of the Declarations Page from the insurance policy
 - Petitioner Exhibit 4: A written statement describing the condition of the subject dwelling with a photograph showing a sump pump

- Petitioner Exhibit 5: A written statement describing the condition of the vacant lots
 - Petitioner Exhibit 6: A written statement regarding the Petitioner's opinion of value for the subject property
 - Petitioner Exhibit 7: A written statement detailing the improvements made to the subject property, dwelling and land, after purchase in 1955
 - Petitioner Exhibit 8: A copy of the Notice of Assessment for the subject property
 - Respondent Exhibit 1: A copy of the Form 139L
 - Respondent Exhibit 2: The property record card and photograph for subject property
 - Respondent Exhibit 3: List of 20 comparable sales that Respondent identified as comparable, with the property record card and photograph of a property located at 2713 Grand Blvd. in Lake Station
 - Board Exhibit A: The Form 139 L
 - Board Exhibit B: The Notice of Hearing
 - Board Exhibit C: The Sign in Sheet
- d. These Findings and Conclusions.

Analysis

14. The most applicable laws 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 Board of Tax Commissioners*, 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”).
 - c. Once the Petitioner establishes a prima facie case, the burden shifts to the assessing official to rebut the Petitioner’s evidence. *See American United Life Ins. Co. v. Maley*, 803 N.E.2d 276 (Ind. Tax Ct. 2004). The assessing official must offer evidence that impeaches or rebuts the Petitioner’s evidence. *Id.*; *Meridian Towers*, 805 N.E.2d at 479.
15. The Petitioner did not provide sufficient evidence to establish a prima facie case in support of his contentions. This conclusion was arrived at because:
- a. The Petitioner purchased the subject property and five additional parcels for \$18,500 in 1955. While the purchase price of property might be relevant to value, the Board finds no probative value in this evidence because the Petitioner did not explain how the purchase price is relevant to the valuation date for the 2002 reassessment, which is January 1, 1999. It is the Petitioner’s responsibility to explain the relevance of each piece of evidence presented with regard to the requested assessment. *Indianapolis Racquet Club*, 802 N.E.2d 1018.

- b. The assessment notice for the property at 1200 E. 37th Avenue, Parcel #001-25-47-0107-0026, shows the parcel is assessed for \$2,200. The Petitioner claims that the assessment of his property is discriminatory and his lots should not be assessed for more than \$2,200. *Pet. Ex. 2; Blatz testimony*. Again, it is the Petitioner's responsibility to explain the relevance of the evidence presented with regard to the requested assessment. *Id.* The Petitioner offered no explanation of why the assessment of the other property is relevant to the value of his own property. The Petitioner did not offer any probative evidence to establish that the property on E. 37th is comparable to his own property. Accordingly, such evidence has no probative value. *See Long v. Wayne Twp. Assessor*, No. 49T10-0404-TA-20, slip op. at 7 (Ind. Tax Ct. January 28, 2005); *Blackbird Farms Apt., LP v. Dep't of Local Gov't Fin.*, 765 N.E.2d 711, 714-715 (Ind. Tax Ct. 2002). The Petitioner merely concluded, based on the assessment of the property located at 1200 E. 37th Avenue, the value of the subject property should be no more than \$2,200. The testimony regarding the assessment of the property located at 1200 E. 37th Avenue is merely a conclusory statement and does not constitute probative evidence. *Whitley Prods., Inc. v. State Bd. of Tax Comm'rs*, 704 N.E.2d 1113, 1119 (Ind. Tax Ct. 1998).
- c. Additionally, the Petitioner offered testimony that personally, as a real estate broker, he has sold lots in Lake Station for \$2,200. These sales, however, took place more than 20 years ago. *Blatz testimony*. Without any explanation of why land sales that took place over 20 years prior to the hearing date would be relevant to the January 1, 1999 valuation date, that evidence has no probative value. *Id.*; *Indianapolis Racquet Club*, 802 N.E.2d 1018.
- d. The statements of condition, the Petitioner's opinion of value, and the list of improvements made to the subject property over the years have no probative value in determining the market value of this property as of January 1, 1999. The statement of condition is not probative because the Petitioner does not explain how much the items of disrepair he identified might affect the value of the dwelling. That evidence is not sufficient to establish a prima facie case. *Id.* The Petitioner simply points to these items and seeks to have the assessment lowered. The Petitioner's written statement of value is merely the Petitioner's opinion of what the subject property lacking any supporting information. The Petitioner does not prove any comparable sales or other data as the basis for his opinion. The list of improvements that were made over the years does not provide any probative evidence that the current assessment is wrong. This evidence is merely conclusory in nature and does not establish a prima facie case for the Petitioner. *Id.*; *Whitley Products*, 704 N.E.2d 1113, 1119.

Conclusion

16. The Petitioner failed to make a prima facie case in regard to either the land value or the dwelling value. The Board finds in favor of the Respondent.

Final Determination

In accordance with the above findings and conclusions the Indiana Board of Tax Review now determines that the assessment should not be changed.

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.