

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

Petition: 06-018-23-1-5-00653-23
Petitioner: Mohsen Sharifi
Respondent: Boone County Assessor
Parcel: 06-08-30-000-002.093-019
Assessment Year: 2023

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

Procedural History

1. Mohsen Sharifi contested the 2023 assessment of his property located at 4677 Indigo Blue Boulevard in Whitestown. The Boone County Property Tax Assessment Board of Appeals (“PTABOA”) issued a determination assessing the property for \$290,300 (\$24,600 for land and \$265,700 for improvements).
2. Sharifi then filed a Form 131 petition with us. On April 18, 2024, our designated administrative law judge, Joseph Stanford (“ALJ”), held a telephonic hearing on Sharifi’s petition. Neither he nor the Board inspected the property. Sharifi and Boone County Assessor Jennifer Lasley testified under oath.

Record

3. The official record for this matter includes the following:

Petitioner Exhibit 1:	Assessment history for Sharifi’s property,
Petitioner Exhibit 2:	List of sales in Walker Farms subdivision from March 2023 to March 2024 with statistics,
Petitioner Exhibit 3:	List of sales of one-level homes in Walker Farms from March 2023 to March 2024 with statistics,
Petitioner Exhibit 4:	First page of Form 130 petition. ¹
Respondent Exhibit 1:	Form 130,
Respondent Exhibit 2:	Boone County Appeal Worksheet, with notes,
Respondent Exhibit 3:	List of properties the Assessor considers comparable, with notes,
Respondent Exhibit 4:	Property record card for Sharifi’s property,
Respondent Exhibit 5:	Sales disclosure,
Respondent Exhibit 6:	Form 134,

¹ Sharifi also submitted a cover letter that he generally read into the record but did not label as an exhibit. He labeled Exhibit 1 as a “Sales History” and Petitioner Exhibit 4 as “Form 11” on his exhibit coversheet.

Respondent Exhibit 7: Form 115 determination.

4. The record also includes: (1) all petitions and other documents filed in this appeal, (2) all notices and orders issued by the Board or the ALJ, and (3) an audio recording of the hearing.

Findings of Fact

5. Sharifi's property contains an approximately 1,440-square-foot, one-story, single-family home built in 2015. It is located in Walker Farms subdivision. Sharifi bought the property for \$300,000 in June 2022. *Sharifi, Lasley testimony; Pet'r Ex. 1; Resp't Exs. 4-5.*
6. The property was assessed for \$258,100 in 2022. The assessment rose to \$290,300 in 2023, an increase of 12.5%.

Parties' Contentions

A. Sharifi's Contentions

7. Sharifi contended that his property's assessment was too high. He argued that home prices were artificially driven up by disruptions in the supply of housing during the COVID-19 pandemic, and that the government took advantage of those disruptions by raising assessments. According to Sharifi, the market has now "cooled" and his assessment should be reduced to reflect that fact. In his view it was inequitable to assess properties based on abnormal market conditions. *Sharifi argument.*
8. He offered a table from Berkshire Hathaway Home containing sales and listing information for 62 single-family homes from Walker Farms that sold between March 2023 and March 2024. Among other things, the table provided the following statistics for the group:

	High	Low	Average	Median
List price	\$479,000	\$255,000	\$320,748	\$310,000
Sale price	\$470,000	\$254,000	\$315,815	\$306,750

Sharifi testimony; Pet'r Ex. 2.

9. Of the 62 homes, 12 were one-level like Sharifi's home. Sharifi offered a separate table and corresponding statistics for those properties:

	High	Low	Average	Median
List price	\$319,000	\$260,000	\$280,475	\$272,450
Sale price	\$310,000	\$257,000	\$275,917	\$265,250

Sharifi testimony; Pet'r Ex. 3.

10. Sharifi pointed out that the low, median, and average sale prices from the smaller group as all being lower than what he paid for his property. He also claimed that they were significantly higher than the low, median, and average list prices for the group, which in his view supported his claim that the market was cooling off from its inflated post-pandemic levels. *Sharifi testimony.*
11. Sharifi focused on what he believed were the four properties from the smaller group that were the most comparable to his property. While none of those homes were built in 2015, homes at 3711 White Cliff Way and 5777 Weeping Willow Place, which were built in 2012 and 2013, were the closest matches. Those homes were listed for \$275,000 and sold for \$265,000 in November 2023 and February 2024, respectively. Similarly, while Sharifi did not find any exact matches for his home's size, he found two that were between 1,400 and 1,500 square feet: 3734 Golden Grain Drive and 3732 Limelight Lane. The Golden Grain Drive property sold for \$262,500 in December 2023, and the Limelight Lane property sold for \$275,000 in September 2023. *Sharifi testimony; Pet'r Ex. 3*
12. Finally, Sharifi testified about a property located at 6329 Colonial Drive, only 0.2 miles from Sharifi's property. The Colonial Drive home is roughly 300 square feet larger than Sharifi's home, yet it sold for only \$285,000 in 2022. The Assessor told Sharifi that the Colonial Drive home had "a different elevation" than Sharifi's home. Sharifi felt that was subjective and unfair, because it is difficult to find two identical houses. *Sharifi testimony.*
13. Based on talking "to some professionals and the realtor," Sharifi believed that an assessment of \$275,000 for his property would be reasonable. *Sharifi argument.*

B. The Assessor's Contentions

14. The Assessor argued that the assessment was correct and pointed to Sharifi's June 2022 purchase of the property for \$300,000. The sales disclosure indicates that Sharifi's purchase was a "valid" transaction, and not a sheriff sale, tax sale, or foreclosure. *Lasley testimony and argument; Resp't Ex. 5.*
15. The Assessor also pointed to "sales comparables" from Walker Farms. She used 2022 sales of properties with no basement that were built from 2012 forward. She identified eight such properties, seven of which she found to be the most comparable to Sharifi's property. The average unit price for those seven properties was \$207.40/sq. ft., which would translate to an assessment of \$298,700 for Sharifi's property. The average unit price for the entire set of eight properties was \$204.48/sq. ft., or \$294,500 for Sharifi's property. Both values are higher than Sharifi's assessment. *Lasley testimony and argument; Resp't Ex. 5.*
16. Based on all her evidence, Assessor argued that the assessment should remain \$290,300. *and argument.*

Conclusions of Law

17. Generally, a taxpayer has the burden of proof when challenging a property's tax assessment. Accordingly, the assessment on appeal, "as last determined by an assessing official or the county board," will be presumed to equal "the property's true tax value." I.C. § 6-1.1-15-20(a) (effective March 21, 2022).
18. However, the burden of proof shifts if the property's assessment "increased more than five percent (5%) over the property's assessment for the prior tax year." I.C. § 6-1.1-15-20(b). Subject to certain exceptions, the assessment "is no longer presumed to be equal to the property's true tax value, and the assessing official has the burden of proof." *Id.* If the burden has shifted, and "the totality of the evidence presented to the Indiana board is insufficient to determine the property's true tax value," then the "property's prior year assessment is presumed to be equal to the property's true tax value." I.C. § 6-1.1-15-20(f). Here, the assessment increased by 12.4% between 2022 and 2023. The Assessor therefore has the burden of proving the property's value.
19. We are the trier of fact in property tax appeals, and our charge is to "weigh the evidence and decide the true tax value of the property as compelled by the totality of the probative evidence" before us. I.C. § 6-1.1-15-20(f). Our conclusion "may be higher or lower than the assessment or the value proposed by a party or witness." *Id.* Regardless of which party has the initial burden of proof, either party "may present evidence of the true tax value of the property, seeking to decrease or increase the assessment." I.C. § 6-1.1-15-20(e).
20. True tax value does not mean "fair market value" or "the value of the property to the user." I.C. § 6-1.1-31-6(c), (e). Instead, it is determined under the rules of the Department of Local Government Finance ("DLGF"). I.C. § 6-1.1-31-5(a); I.C. § 6-1.1-31-6(f). The DLGF defines true tax value as "market value-in-use," which it in turn defines as "[t]he market value-in-use of a property for its current use, as reflected by the utility received by the owner or by a similar user, from the property." 2021 REAL PROPERTY ASSESSMENT MANUAL at 2.
21. To meet its burden of proof, a party "must present objectively verifiable, market-based evidence" of the property's value. *Piotrowski v. Shelby Cty. Ass'r*, 177 N.E.3d 127, 132 (Ind. Tax Ct. 2021) (citing *Eckerling v. Wayne Twp. Ass'r*, 841 N.E.2d 674, 677-78 (Ind. Tax Ct. 2006)). For most real property types, neither the taxpayer nor the assessor may rely on the mass appraisal "methodology" of the "assessment regulations." *PIA Builders & Developers, LLC v. Jennings Cty. Ass'r*, 842 N.E.2d 899, 900, (Ind. Tax Ct. 2006). This is because the "formalistic application" of the procedures and schedules from the DLGF's assessment guidelines lacks the market-based evidence necessary to establish a specific property's market value-in-use. *Piotrowski*, 177 N.E.3d at 133.
22. Market-based evidence may include "sales data, appraisals, or other information compiled in accordance with generally accepted appraisal principles." *Peters v.*

Garoffolo, 32 N.E.3d 847, 849 (Ind. Tax Ct. 2015). Relevant assessments are also admissible, but arguments that “another property is ‘similar’ or ‘comparable’ simply because it is on the same street are nothing more than conclusions ... [and] do not constitute probative evidence.” *Marinov v. Tippecanoe Cty. Ass’r*, 119 N.E.3d 1152, 1156 (Ind. Tax Ct. 2019). Finally, the evidence must reliably indicate the property’s value as of the valuation date. *O’Donnell v. Dep’t of Local Gov’t. Fin.*, 854 N.E.2d 90, 95 (Ind. Tax Ct. 2006). For 2023 assessments, the valuation date was January 1, 2023. I.C. § 6-1.1-2-1.5(a).

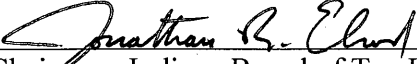
23. The Assessor pointed to the June 30, 2022 sale where Sharifi bought his property for \$300,000. As shown by the sales disclosure form, the sale was a valid, arm’s-length transaction. And the sale occurred less than six months before the relevant January 1, 2023 valuation date. Without evidence showing a significant change in the market over those intervening months, we find that the sale was sufficiently close to the valuation date to be probative of the market value-in-use of Sharifi’s property.
24. Sharifi offered nothing to show that there was any significant difference in market levels between when he bought his property and the valuation date. Instead, he offered some data for sales of single-family homes from a period spanning between three and fifteen months after the assessment date and concluded that because sale prices were less than list prices, the market had cooled off from where it was in 2022 when he bought the property. Assuming that a disparity between sale and list prices might be a useful barometer for establishing market levels, Sharifi would have needed to show that the disparity (and therefore the market level) changed between when Sharifi bought the property and the assessment date. He did not do so.
25. Nonetheless, Sharifi argued that it was inequitable to require homeowners to pay taxes based on a temporarily inflated market that cooled off in the year following the assessment date. But he cited no authority for his claim. If, as Sharifi alleged, the housing market declined following the assessment date, future assessments should reflect that fact. If they don’t, Sharifi may appeal those assessments.
26. Sharifi offered his own opinion that an assessment of \$275,000 would be reasonable, although he offered little support for that opinion beyond saying that he spoke to “some professionals and the realtor.” Such testimony, however, carries no probative weight. Sharifi also pointed to the sale prices of five properties from the same subdivision. Although Sharifi compared a few of the properties’ characteristics, such as size, location, and year built, he did not explain how relevant differences affected the properties’ values. *See Long v. Wayne Twp. Ass’r*, 821 N.E.2d 466, 470-471 (Ind. Tax Ct. 2005) (holding that taxpayers’ sales data for other properties lacked probative value where they failed to explain how the characteristics of those properties compared to their property or how any differences affected market value-in-use). Even if we were to find that Sharifi’s comparative data had some tendency to prove his property’s value, we would give far more weight to the price for which he bought the property.

27. We therefore find that the true tax value of Sharifi's property was \$300,000. The Assessor, however, asked for the current assessment of \$290,300 to be left unchanged. We accept the Assessor's concession.

Conclusion

28. We find for the Assessor and order no change to the 2023 assessment of \$290,300.

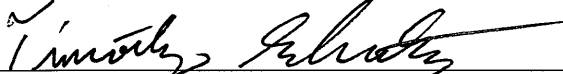
Date: July 17, 2024



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>>.