
APPEALING YOUR PROPERTY TAXES

What Your Local Assessor Won't Tell You



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Disclaimer – Beth Szweda is not an attorney and cannot give legal advice. The purpose of this book is to offer general information regarding the property assessment appeal process in Indiana. Beth is a Certified Tax Representative and a Level III Indiana Assessor/Appraiser in good standing.

Introduction

When I sat down to write this book, I had one goal in mind. To write it in such a way that it would ensure the readers a fair and equitable property tax bill.

In the pages that follow you will find many helpful ways to achieve a fair property tax. There are links to references, laws and court case precedents that you can use in your journey through the appeal process. This is a journey that will take considerable time and effort to be successful. The first step in that journey has already begun. If you are reading this, you are well on your way to success. Contained in this book are keys to unlocking the bureaucracy you face when appealing your property taxes. Knowledge is power. Knowing the rules and procedures surrounding property tax law will empower you to achieve your goal – a fair and equitable property tax.

In the thirty years that I have worked in the property tax field, I have learned many things. I have met and worked with some of the best people I know. And I know this to be true, most people working in the government offices are hard-working and good hearted. They do their best to provide a fair assessment. And a lot of the time the assessment is fair. My data shows that of properties I analyze, about 43% are appealed. Of the appealed properties about 80-85% are agreed upon at the initial meeting with the assessor. When it is pointed out that something is wrong, they are more than happy to fix it. Their goal is the same as yours, a fair and equitable tax.

Of course, there are times when there are disagreements. Which is why the appeal process is in place and available to any taxpayer who can't come to an agreement with the assessor. In cases where there is a disagreement, the local county Property Tax Board Of Appeals will hold a hearing. At the hearing the board members listen to and receive evidence from both sides. They will either take it under advisement or vote on your appeal during the hearing. A solid case backed up by relevant evidence increases your chances of that vote going your way.

This book contains tools and information with links you can use to navigate the appeal process to ensure a fair and equitable property tax. Lets begin with the process itself. Here is a [link to a flow chart](#) followed by an explanation of the information in the chart.

How to File an Appeal

- **File a form**
Another option is to file a form called [130 Short](#). This is a Indiana state provided form to use if you prefer. There is a place for more information but remember this information is not required to initiate an appeal. Same rules apply. You must file with the local county assessor and you should always get a date stamped copy.
- **File with assessor**
Make a copy and either hand deliver or mail both copies to the **local county assessor**. Check [Your Local County Assessor](#) for a list of Indiana county assessors' addresses. Ask the assessor to file stamp your copy so you have record of a timely filing; or if mailed - include a copy and a self-addressed stamped envelope for the assessor mail back your date stamped copy. It's very important that you keep a date stamped copy of this letter. Some assessors may allow for an appeal to be emailed. Contact [Your Local County Assessor](#) for their email address.

When to File An Appeal

The easy and true answer is any time. However, to appeal your current year's taxes, you must meet certain deadlines. If you are beyond the due date the assessor will accept your appeal, it will simply be effective for the following year.

To be timely for current year, the appeal needs to be filed within 45 days of the assessment notice you receive from the assessor's office (Form 11 or Form 113). Each year you will receive a notice of what your assessment will be for the following year. The notice is usually sent in the summer. A notice you receive in summer of a given year will be the assessment your taxes will be based on for the following spring and fall bills.

If there is no change from last years assessment, assessors don't send notices. In that case the time to file is within 45 days of receiving you actual tax bill, or May 10th whichever is later.

Anyone who owns real estate as of January 1st of any given year can file for the following year's taxes; i.e. if you own property on 1/1/2016 you can an appeal for taxes owed in 2017.

Most times when a taxpayer files an appeal, the burden of proof is on you, the petitioner. However, there are times when that burden shifts to the assessor. See Assessor Requirements Chapter for more on that.

Who Should File

Everyone who owns property should investigate their taxes. Studies have shown that nationwide 30-50% of tax assessments are incorrect and/or inconsistent with actual market value, yet on average 5-7% appeal. Check out this article “Who Wins Property Tax Appeals” by Randall K. Johnson, Assistant Professor of Law, Mississippi College School of Law. He writes about a study conducted in Chicago and published here [Columbia Journal of Tax Law](#). While the study did not focus on accuracy of overall assessments, it's made pretty clear, it's worth it to appeal if you think the assessment is not consistent with market value.

But how do you know if your assessment is incorrect? How do you know what the market value on your house is? Read on my friends.

First things first - get your Property Record Card from your local assessor. I would love to point you in a direction to get that online but unfortunately there is no consistency regarding access to public data throughout the assessors in Indiana. Each assessor chooses their own platform for sharing data. The only thing you can do is contact your local assessor's office and ask them if they have the records available online or if they can email you the record. I have included a [link](#) to find contact info for your local assessor.

Now that you have filed the appeal correctly and on time, the real work begins. You must be armed with evidence to win. This can be difficult, however by reading this book and accessing resources sited here you will have a much better chance of winning a reduction.

Preparing Your Appeal

The Burden of Proof Is On You...Sometimes

- Generally, a taxpayer seeking review of an assessing official's determination has the burden of proving that their property's assessment is wrong. You must also show what the correct assessment is. Be specific about what that number is. A burden-shifting statute creates two exceptions to that rule.
- First, [Indiana Code 6-1.1-15-17.2](#) "applies to any review or appeal of an assessment under this chapter if the assessment that is the subject of the review or appeal is an increase of more than five percent (5%) over the assessment for the same property for the prior tax year." Ind. Code 6-1.1-15-17.2(a). "Under this section, the county assessor or township assessor making the assessment has the burden of proving that the assessment is correct in any review or appeal under this chapter and in any appeals taken to the Indiana board of tax review or to the Indiana tax court."
- Second, Ind. Code 6-1.1-15-17.2(d) "applies to real property for which the gross assessed value of the real property was reduced by the assessing official or reviewing authority in an appeal conducted under IC 6-1.1-15," except where the property was valued using the income capitalization approach in the appeal. Under subsection (d), "if the gross assessed value of real property for an assessment date that follows the latest assessment date that was the subject of an appeal described in this subsection is increased above the gross assessed value of the real property for the latest assessment date covered by the appeal, regardless of the amount of the increase, the county assessor or township assessor (if any) making the assessment has the burden of proving that the assessment is correct."

- These provisions may not apply if there was a change in improvements, zoning, or use. Ind. Code 6-1.1-15-17.2(c).
- [Indiana Code 6 Taxation](#)

In layman's terms, the burden of proof is on the assessor in two circumstances. First, if your assessment increased by more than 5% than last year. And second, if your assessment was reduced through an appeal for the year immediately preceding the current assessment (with the exception of rental income property).

Understanding Your Property Record Card

Your property record card is where your local assessor records all the needed information gathered on your property. Some of the information is objective (things that can be physically measured) like your living area square footage, number of baths, and type of heating and cooling. Other information is subjective (up to the judgement of the assessor) like quality of construction and overall condition of your buildings.

Having a basic understanding of your record card is crucial when filing an appeal. Below is a sample Property Record Card. This will help you when looking at your own PRC in determining its accuracy. When filing an appeal, you must know whether the assessor has correctly assessed the objective aspects of your assessment. Some of the things to check -

- The square footage. If you don't know the exact square footage of your house, get out the old tape measure. Assessors use outside measurements to determine overall square footage.
- The number of plumbing fixtures. There should not be anything added to your assessment for plumbing if you have 1 full bath. If you have extra baths, each fixture will add to your valuation.
- If you have a fireplace, check to make sure it is added
- If you have a garage, make sure the size is correctly recorded
- If you have a finished basement, make sure the size is correctly recorded
- If you have porches, decks, a pool, or any outbuildings, check for accuracy

Finding and Documenting Errors

If there are errors on your Property Record Card, you must document them. This can be a simple statement from you stating you have 1 bathroom not 3. Or it could be a sketch of your house showing the correct square footage. Pictures are also very helpful. Another source of documentation could be a prior listing or an appraisal.

The important thing to remember is to show your errors, not just tell the assessor. Provide a list of errors and document each. This is important for two reasons. First, the assessor may not remember all the issues when the meeting is over and they are working on your property. Its important they have a record of all that was discussed during your meeting. Secondly, it's likely someone other than the assessor you met with will working on your appeal issues. There could be someone doing data entry and someone else verifying errors by physically inspecting your property and reporting back. Each person working on this will do a better job if they have a copy of your documented errors in their file.

Once any measurable errors are corrected you may have an acceptable assessment. If it is still too high you will have to show why. Documenting an unfair and unequal assessment involves a little more research. Comparable sales are a very good way to do that. In the following chapter I will discuss how and where to find sales comparable to your property.

Comparable Sales

The best way to know if your property is over-assessed is to compare your assessed value to comparable valid property sales. The trick is finding valid sales of property that is comparable to yours. By comparable I mean – similar in size, close to same year built and similar amenities i.e baths, basement, garages and so forth. The lot size and location should be similar too. If you live in a subdivision in which houses were built around the same time frame you shouldn't have any trouble finding comparable houses that have sold in your neighborhood. If you live in a rural area and your house is very different from other houses in your community it could be more difficult to find. You will likely have to expand the area you are searching in to find them.

As noted previously, the sales you use must be valid. The assessing official deems a sale is valid if it is an arms length transaction. The concept of an arms length transaction assures that both parties in the deal are acting in their own self-interest and are not subject to any pressure or duress from the other party. It also assures third parties that there is no collusion between the buyer and seller.

There are a couple different resources for researching sales. One is online real estate sites like [Tulia](#) or [Zillow](#). Another is your local assessor. When you inquire about your property, ask them to provide the sales they used in valuing your property. You can also use sales beyond what they give you. If you know of another subdivision or neighborhood that has houses similar in amenities and value, you can ask for those sales too. The assessor is required to give you that data. You can also find that data in the [DLGF website](#) referenced earlier. However, access to this data is not very user friendly. The assessor will be able to give you a list of sales comps that they used to conduct what they call a "ratio study". This study is required by the assessor and submitted to the state each year. Basically, it compares all the sales prices with assessed values throughout their jurisdictions. They have sales broken down by neighborhood. Once you get that list you can compare the sold properties with your property. Look at the houses on the list, are they similar to yours? Would your house sell for the same as the ones on the list? Now compare the amount your house might sell for with your

assessed value. If it is more than a 5-10% difference, chances are your assessment is too high. If you find the comparable sales are close to the assessed value of your house, your assessment is fair.

Assessor Requirements

There are three basic documents assessors are governed by.

- a. All Indiana assessors are required to follow the law and rules set forth by Indiana legislation. The specific section in the Indiana Code regarding taxation is [IC 6-1.1-15](#).
- b. Further regulations assessors are required to follow is in the Administrative Code [50 IAC](#) set forth by the Indiana Department of Local Government Finance (DLGF). When you see them cited they will look like this – IC 6-1.1-15-1 or 50 IAC 1-1-1.
- c. The Real Property Assessment Manual is where assessors get their data regarding cost amounts they use on your property assessment. All the figures you see on your Property Record Card comes from this Manual. I have pasted a link to the manual to google docs [here](#).

As you can see, these resources are large documents. Assessors and tax professionals who use these resources spend a lifetime learning procedures and crafting their ability to assess property correctly. And it is an ever-changing process. Every legislative session and every appeal that is heard by the Indiana Tax Court shapes and changes procedures and policies. For your purpose, you don't need to know everything, just what pertains to you. I hope this book helps you find that and use it to your advantage.

Here's the highlights.

Appeal Procedures

Assessors are required to process your appeal in a specific timely manner. There are specific rules that are laid out here in an [Appeal Procedures](#) flow chart published by the Indiana Dept. of Local Government Finance (DLGF). It's helpful but like most government publications it looks way more complicated than it is. This is it in a nutshell -

Once an appeal is filed –

- IC 6-1.1-15-1(h) Assessor *shall* attempt to hold an informal meeting with the taxpayer to resolve as many issues as possible by:
 - discussing the specifics of a taxpayer's assessment
 - reviewing the taxpayers' property record card
 - explaining to the taxpayer how the assessment was determined
 - providing to the taxpayer information about the statutes, rules, and guidelines that govern the determination of the assessment
- If the Assessor and taxpayer agree to a fair assessment, the appeal is done and the changes are made to your assessment and adjustments are made to your tax bill.
- If the Assessor and Taxpayer disagree, the appeal shall be forwarded to the local Property Tax Board of Appeals (PTABOA) within 10 days of the informal meeting.
- If the PTABOA does not receive notice from the assessor within 120 days of the filing of an appeal it must hold a hearing.
- The PTABOA hearing must be set within 180 days of the filing of an appeal
- If this deadline is not met, the taxpayer may appeal directly to the Indiana Board of Tax Commissioners using a [Form 131](#).

Just to clarify, you as a taxpayer have the right to be heard. Hopefully your county assessor will hold the informal conference in a relatively short time. And to be fair, most assessors try their best to adhere to that rule. However, you do have a re-course if they don't get to it within 6 months.

Taxpayer Rights During the Appeal

You have many rights as a taxpayer throughout the appeal process. Below is a list of the most important. In many ways, the hearing is a lot like a courtroom. There are rules for discovery (a request for evidence) and establishing a prima facie case (satisfied burden of proof). Many laws and rules are a little difficult to find, but mostly they can be found in Indiana Code IC 6-1.1-15.

1. If your assessment goes up more than 5% from one year to the next, the burden of proof shifts to the Assessor. Ind. Code 6-1.1-15-17.2(a). They must submit evidence to the appeal board showing how your assessment was arrived at. The evidence they submit can vary but usually it is in the form of sales of comparable property. You have a right to a copy of that evidence. You have the right to request that evidence prior to the hearing so that you have a chance to review it. If you are not provided with a copy until the day of the hearing, you have a right to request that the board “table” and continue the hearing until you have had a chance to review the evidence. The board can decide whether to deny or grant your requests. Either way, the board will then decide if the assessor has made a “prima facie case”. If so, then the burden of proof shifts back to you, the petitioner. So be ready to provide your evidence. If the board decides that the assessor did not make a prima facie case, the assessment reverts to what it was prior to the year under appeal.
2. If your assessment was reduced as the result of an appeal and your assessment goes up by any amount the year immediately following the appeal, the burden of proof is on the assessor. Ind. Code 6-1.1-15-17.2 The exception to that rule is if there are significant changes to the property, like an addition was built.
3. Once the Petitioners establish a prima facie case, the burden shifts to the assessing official. See *American United Life Ins. Co. v. Maley*, (Ind. Tax Ct. 2004).
4. At the preliminary informal meeting the assessor is required to attempt to have with you, the assessor must

- a. Explain to the taxpayer how the assessment was arrived at
 - b. Note and consider objections of the taxpayer
 - c. Consider all errors alleged by the taxpayer
- 5. Within 10 days of the informal preliminary meeting the assessor shall forward to the county auditor and the county board the results of the informal meeting.
- 6. If there was no agreement, the county board shall hold a hearing.
- 7. The county board shall give at least 30 days' notice of hearing to the taxpayer
- 8. The taxpayer may request a continuance to the board in writing
- 9. At the hearing the taxpayer *may* present reasons for disagreement with the assessor
- 10. At the hearing the assessor *must* present basis for the assessment and reasons taxpayer contentions should be denied

Items 9 and 10 are kind of a catch 22. It is true that you are not required to submit documentary evidence prior to the hearing or have a market appraisal done on your property. However, you must be ready to show evidence that your assessment is incorrect. This evidence can be in the form of comparable sales, market analysis, comparable property assessments, or an appraisal if you wish (more on evidence later). So, while you are not required to do so, if you don't show evidence it is likely you will not prevail.

- 11. The assessor or the county board may not require the taxpayer to provide documentary evidence prior to the hearing.
- 12. The taxpayer is not required to have an appraisal of the property
- 13. All hearings are public. Not only can anyone attend your hearing, you can attend any other hearing held as well. Attending these hearings will give you a good idea of what to expect when it's your turn.
- 14. If you feel you are treated unfairly, document your experience. Put it in writing to your government officials. This is *our* government, and the elected and appointed officials primary goal should always be to serve the public to the best of their ability. And to be fair, most do. But there are instances when your rights

are violated. If this happens you have the right to file a grievance regarding the Assessor or the local appeal board (PTABOA) with your local county commissioners or the Indiana [Department of Local Government Finance](#). Simply send them a letter spelling out the grievance and they will follow up with you and with the person the grievance is against.

Having said that, also remember to treat everyone with respect. Did your grandmother ever tell you, you get more flies with honey than with vinegar? I can't think of any situation that the analogy applies to more than when dealing with government officials. Remember, they are people who work hard under sometimes impossible budgetary restrictions. They are not personally out to get you. They just want to assess all property correctly. The bottom line is this, you both want the same thing – a fair and accurate property assessment. Focus on that common goal.

Evidence Will Be the Key To Success

Real property in Indiana is assessed based on its market value-in-use. Ind. Code 6-1.1-316(c). In the appraisal industry, there are three accepted methods of finding the market value-in-use. The cost approach, the sales comparison approach, and the income approach

Cost - assessing officials primarily use the cost approach, but other evidence is permitted to prove an accurate valuation. Taxpayers do not have easy access to cost figures of reconstructing their house and then deducting for depreciation.

Income- this method is used only when the property is leased or rented. It is a method widely used for rental property. But for most taxpayers appealing their property, this method doesn't apply to them.

Sales Comparison- this is the method most widely used by petitioners to establish that their value is wrong and what their value should be. That is important so I will say it again- petitioners must establish what their value should be.

In an appeal, petitioners may offer, but are not limited to, the following type of evidence –

- Sale information for your property
- Sale information for comparable property
- Ratio Study
- Factual Evidence
 - Actual construction costs
 - Surveys
 - Sketch of outside measurements
 - Photos showing condition and quality of construction
- Assessment information for comparable properties

Sale information for your property – If your assessment is higher than what you bought your property for you can and should use your sale information as evidence. Two things to watch out for if you are using your own sale information. One is the date of the sale. It should be close (generally, within a year) to the valuation date. If you go outside of a year you

will need to adjust for time. Secondly, you can't use the sale if it is not valid. There are times when there are legitimate reasons a sale *could* be discarded when evaluating property. Those are things like – a purchase from a family member or a purchase under duress of one or the other party, like a foreclosure. Although there are exceptions. In recent years when entire neighborhoods experienced transactions of primarily foreclosures, that becomes the market and they should be used.

For the most part though, your sales information is the best indicator of value. That is illustrated here in [Rushani v. Montgomery County Assessor](#). In this case photos showing condition and construction quality were submitted as evidence. Showing property is in poor condition for example is not enough to establish an accurate number for valuation. The Petitioners also need to offer evidence of value as of the assessment date. That can be achieved by showing sale information of subject or comparable properties. This case was won by a taxpayer who did just that. The Petitioners purchased the property for \$7,000. The Petitioners presented a Real Estate Contract for the subject property purchased in 2014 as further support for the testimony on that point. Furthermore, the petitioner testified the property was on the market for two years prior to his purchase. No evidence in the record indicates the purchase was not an arm's-length transaction (a valid sale). And the Respondent (the assessor) offered nothing to dispute the accuracy of these points. The Petitioners' purchase price is, therefore, probative evidence of the market value of the subject property. Once the Petitioners prove their case, the burden shifts to the assessing official.

The assessor focused on the Property Record Card to show that the condition of the property and obsolescence had been considered in the assessment. But Respondent must do more than merely rely on assessment methodology. See *Canal Square v. State Bd. of Tax Comm'rs*. Mere recitation of expertise insufficient to rebut the petitioner's proven case. The assessor failed to provide any evidence that the assessed value is the correct *market value* of this property.

Sale information for comparable property- The best way for most residential taxpayers to show actual value is

through what's known in the appraisal industry as Sales Comparison Method.

To effectively use the sales-comparison approach as evidence in a property tax appeal, the proponent must establish the comparability of the properties being examined. Conclusory statements that a property is “similar” or “comparable” to another property are not sufficient. Instead, the proponent must identify the characteristics of the subject property and explain how those characteristics compare to the characteristics of the purportedly comparable properties. Similarly, the proponent must explain how any differences between the properties affect their relative market. The taxpayer prevailed in [Burke v. Jackson County Assessor](#) when they showed what their value should be. In this case the burden of proof was on the assessor. The assessor submitted comparable sales as their evidence but failed to show how their sales comps compared with the subject. They failed to meet that burden because they did not show specifically how the sales related to the subject.

To prevail the petitioner must prove how their evidence relates to the subject property's market value as of the relevant valuation date. It becomes a data and numbers game and you must prove the actual value. You must show how the evidence of each comp *makes* it comparable to yours.

There are a couple different sources for sales comps. Your assessor will have that data. Many of them have it online. Check out their website or call them. Here's [a link](#) to find their contact info. The problem is that most assessor databases are not particularly user friendly. There are many other sources of data online. Google and search “residential sales comps your town, IN”. Just be careful to use a couple different sources to verify its accuracy. Other resources are local realtors. Another good option for help is an [Indiana Certified Property Tax Consultant](#). Wherever you get your sales comps from, just be sure you use a good reliable source with verifiable data. The best way to verify any information online is to find two or more sites with corresponding data.

Ratio study- As mentioned in Chapter 2, each county assessor conducts a ratio study each year. This study uses sales data throughout each neighborhood to analyze how it compares with the assessments in that neighborhood. You could request that data from your assessor. Ask for the portion that pertains to your neighborhood. You will see on the spreadsheet all the sales data the assessor used in your neighborhood ratio study. You can get the property information and sale price so you can compare those sales to your house. Is your house a-typical of what is “normal” in your neighborhood? Are the sales used reflective of your house? How do those sales compare with their own assessments – are they a lot higher or lower than the assessed values? Answers to these questions will shed light on how good of a job the assessor is doing in establishing assessments that are reflective of the market.

Assessment information for comparable property-

Assessment information for comparable properties, is a relatively new form of evidence that must be accepted and considered. In the past, assessors have not widely accepted assessments of comparable properties because it was their contention that the other assessment could be too low. And that may in fact be true, however our legislators decided the assessments must be uniform and equal. See Indiana Code 6-1.1-15-18 which states the assessment information of comparable properties must be accepted and considered.

Here's the thing to remember, showing assessments are not uniform and equal is not enough, you must show what the *value* is for the comparable property assessments you use. The law was challenged in Westfield Golf Practice Center, LLC v. Washington Twp. Assessor. A claim for an equalization adjustment based on a lack of uniformity and equality in assessments failed in this case. One way to prove a lack of uniformity and equality under Article X, Section 1 of the Indiana Constitution is to present assessment ratio studies comparing the assessments of properties within an assessing jurisdiction with objectively verifiable data, such as sale prices or appraisals. So, while the law was upheld, the taxpayer lost the appeal because they focused solely on the assessment of its driving-range

vs. the assessment of other driving ranges. They failed to show the actual market value.

Use this cautiously. Be meticulous about showing the difference in assessment between yours and theirs, and why the other assessment is a more accurate valuation.

Tips to Winning

- **File your appeal on time.** Find out when the deadline to file an appeal is. Your local assessor can provide you with all filing deadlines. Don't miss these deadlines.
- **Research the appeals process.** Your state will likely have publications posted on their website that can help guide you through the process.
- **Find comparable sales.** To find the market value of your home (thereby finding an accurate assessment) you will need to show evidence of what houses like yours are selling for. Usually sales within 1 year of the assessment date will suffice. You can find sales through your assessor's office or by several sites online that provide real estate comps.
- **Ask a professional for help.** There are many professionals in the real estate business that can help. A real estate agent, a property appraiser, or a property tax consultant are great resources to check out.
- **Use the evidence you already have.** If you have estimates for repairs that need to be done but haven't - bring those with you. Bring pictures of your property. Remember to show any issues or problems that need updating or repaired. If you purchased your home within the last 3 years, and you paid less than the assessment - bring the purchase agreement. Also, you can use construction costs if you built in the last 3 years.
- **Be proactive.** Once you file your appeal, call the assessor to set up your appointment. Don't wait for them to contact you. You could be waiting a long time. Once the meeting is over, ask who will be handling the paperwork. If you don't receive the paperwork that you are expecting within a week or so, call the person handling it. Sometimes the squeaky wheel gets the grease.
- **Get file stamped copies of everything.** The only way can prove you timely filed your appeal or any other requested evidence is to make a copy and have the assessor date stamp for your records. You can also email the documents. Sometimes things are lost, protect yourself.

What to Expect at the Hearing

Informal Meeting

There is a two-step process of a hearing at the local level. The first step is an informal meeting with you and the assessor. At this meeting, there will only be a couple people present. You and the assessor. It is possible the elected assessor will not attend. There may be a member of the assessor staff in attendance. This is not a public meeting. The meeting will likely take place in a private setting. At this meeting, the assessor will explain how your assessment was arrived at. The assessor should also explain the general procedure assessing property. You be given the opportunity to tell the assessor why you are appealing your assessment. You can ask any questions you may have about your assessment. You will be permitted to show any evidence you have gathered in support of a lower assessment. Included in your statement should be your proposed assessment.

At the conclusion of the meeting, the assessor will do one of 4 things:

- They can agree with your proposal.
- Propose a different assessment.
- Request more information from you.
- Disagree entirely with your request.

If the assessor agrees with your proposal, you will be asked to sign a form stating the change of assessment. Please read this carefully before signing. If the assessor proposes an assessment that is different from yours, you will be asked if you agree. At this point you can either sign the form agreeing with their proposal or you can ask to have some time to think about it. Or you can disagree entirely with their proposal. You may be asked to sign a form stating that you disagree. Again, read this carefully and sign on the correct line indicating your disagreement.

If you disagree in whole or in part, the next step is to proceed to a formal hearing.

Formal Hearing

Once the informal meeting ends in disagreement a hearing will be set with what is called the Property Tax Board of Appeals (PTABOA). You will be notified by mail at least 10 days in advance of the hearing. You will likely see other taxpayers there presenting their evidence to the board. These hearings are open to the public and are recorded with audio tape. At the hearing, there will be at least 3 board members present. The maximum amount of board members is 5. Also at the hearing will be the assessor or a member of their staff.

At the beginning of the hearing, you will be read the procedures and purpose of the hearing. You will be asked to state your name and take an oath to speak the truth under penalties of perjury. You will then be given the first chance to speak and present your case. At this time, you will explain your reasons for your request to change your assessment. You will be given the opportunity to present your evidence. You should be prepared to turn over your evidence to the board. The board will usually allow in their schedule about 15 minutes for you to speak. Once you are finished, the board will allow the assessor to speak. They will present any evidence they may have to show why they believe the assessment should remain as it is. It is important that you remain silent while others are speaking. If you have a question or a disagreement with a comment made, write yourself notes.

Once both parties have presented their evidence, the board will consider the evidence. They may ask you or the assessor questions. If they ask you a question that you do not know the answer to, you should request a continuance so that you can gather the data.

The board will then make a motion. They will make a motion to continue the hearing later in order to gather requested evidence from you or the assessor. Or they will make a motion to change the assessment to your proposal. The third option is that they make a motion to deny your appeal and keep the assessment as is and unchanged. Once a motion is made the board members will vote. The hearing is then concluded.

What Happens Next

If the board requests information from you, you will likely have 10 – 30 days to gather that information. Gather that data as quickly and thoroughly as possible. Once you have it, hand deliver it to the county assessor's office. The county assessor is the secretary of the board. They are responsible for keeping all records of the PTABOA. When you deliver the information, keep a copy and have them file stamp your copy. You may also mail the information. If so, keep a record of the mailing by sending it by certified mail.

If the board requests information from the assessor, they will likely also have 10 – 30 days. You may request a copy of the information provided to the board either verbally at the hearing or written after the hearing.

If the board voted to change your assessment to your proposal, a form will be sent from the county assessor to the county auditor notifying them of the change. You will receive a copy of this form. The county auditor will then change your tax amount owed for the year under appeal. If the year under appeal has passed and the taxes are already paid, a refund check will be issued to the taxpayer for the over-payment. The taxpayer will also receive interest on the over-payment. The refund process usually takes 6 – 8 weeks. Contact your auditor for information regarding when to expect your refund.

If the board voted to deny your appeal, you will receive a form in the mail stating that. If you choose to take your appeal to the next level, you will need to provide a copy of this form along with your original appeal letter. The form used to appeal to the Indiana Board of Tax Review ([link to their site](#)) is called a [131](#). There are further instructions on the form and on their site on how to file an appeal with the IBTR.

Conclusions

Now that you have a better understanding of how the appeal process works, you have a much better chance of being successful in achieving a fair property tax. The best thing to do before filing any appeal is to talk with your assessor. They should be there to help. If you still are not happy with your assessment, file your appeal with confidence. You are now armed with knowledge of your rights as a taxpayer and a citizen.

If you still have questions, reach out to me. I will answer any questions you may have about the material contained in this book. Below is my contact information. Thanks for reading.

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