

Bond Case Briefs

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ANNEXATION - INDIANA

Certain Tell City Annexation Territory Landowners v. Tell City

Court of Appeals of Indiana - March 30, 2017 - N.E.3d - 2017 WL 1179592

Landowners filed a remonstrance petition challenging city's proposed annexation of their land.

The Circuit Court dismissed the petition due to noncompliant signatures, and landowners appealed.

The Court of Appeals held that:

- Property tax duplicate need not exactly match the property owner's signature to provide prima facie evidence of ownership, and
- Signature may qualify as proof of ownership even if it deviates insignificantly from the property tax duplicate.

Under statute outlining requirements for remonstrance petitions to contest annexation, a property tax duplicate need not exactly match the property owner's signature to provide prima facie evidence of ownership; rather, the duplicate constitutes prima facie evidence of ownership if it is the same as the petition's statement of the property owner's name in the petition's documentation of the property owner's name as it appears on the property tax duplicate, the owner's printed name, or the owner's signature.

A signature on a remonstrance petition challenging annexation may qualify as proof of ownership and the property owner's intent to sign the remonstrance even if it deviates insignificantly from the property tax duplicate.