

**IN THE WASHINGTON COUNTY CIRCUIT COURT
STATE OF INDIANA**

**IN RE THE MATTER OF THE ELECTION
OF THE MAYOR OF SALEM**

CASE: 88C01-1911-MI-00814

WILLIAM ACKERMAN, PETITIONER

**ORDER OF FINDINGS OF FACT
CONCLUSIONS OF LAW AND JUDGMENT**

Comes now the Petitioner, William Ackerman, in person and with his attorney, Douglas Leatherbury, and comes now the Respondent, Justin Green, in person and with his attorneys, Larry O. Wilder and Zachary Lewis, and the Court having heard testimony on April 14th and April 15th, 2020 and after reviewing the evidence and the proposed Findings and Conclusions submitted by the parties, enters the following:

Where appropriate, Findings of Fact should be considered Conclusions of Law and Conclusions of Law should be considered Findings of Facts.

FINDINGS OF FACT

1. Justin Todd Green (hereinafter "Green") was born on January 19, 1977 in Salem, Indiana.
2. He lived with his parents on the family farm at 2879 North Trueblood Road from his birth until he graduated from high school. He registered to vote for the first time on October 16, 1995, at his family home.
3. Green graduated from Salem High School in 1995. He graduated from Vincennes University in 1997 and returned to Salem.
4. Green got his first job and was living at 13 Walnut Tree Apartments in the City limits of Salem. He changed his voter registration from the family farm to his new apartment.
5. In 1999, he moved to 115 Nichols Avenue. Nichols Avenue is located in the City of Salem and Green changed his voter registration to reflect his new residence. He was living in Salem and was selling cars for Dixon Auto Sales.
6. In 2003, Green bought a home at 106 Macon Avenue. This home is also located in the City of Salem. Green changed his voter's registration to reflect his new address at the Washington County Clerk's office.
7. In 1999, Green secured a license to sell Life, Accident & Health, Property and Casualty Insurance from the Indiana Department of Insurance. His State License Number is 2963000. The license was issued reflecting that his address on February 12, 1999, was

106 Macon Ave., Salem, Indiana. The expiration date on the license was January 31, 2017.

8. Green founded Green Auto Sales in the City of Salem in 2007.
9. In addition to starting Green Auto Sales, a new business in 2007, Green became a political candidate and ran for Salem City Council.
10. Green ran Green Auto Sales and served on the Salem City Council from January 2008 until 2019.
11. In 2012, a house and sixty-six acres became available for sale at 2900 North Old State Road 56 (hereinafter "SR 56").
12. The SR56 property was bought on October 20, 2012 by Green.
13. The sellers were Roger Baird, Sr. and his wife Polly. A Sales Disclosure Statement was filed with the Washington County government offices. Green did not fill out the form; however, he did sign the document under the "penalties of perjury".
14. The document identifies Justin Green, 106 Macon Ave., Salem, Indiana as the buyer. It notes his telephone number is (812) 883-7134.
15. The SALES DISCLOSURE FORM includes language which states: THE SALES DISCLOSURE FORM MAY BE USED TO APPLY FOR CERTAIN DEDUCTIONS FOR THIS PROPERTY, IDENTIFY ALL OF THOSE THAT..."
16. In this portion of the document there appears this question and instruction: "Will this property be the buyer's primary residence? Provide complete address of primary residence, including county:" In this section Green identified his "primary residence" as 106 Macon Ave, Salem, Indiana.
17. Green did not personally fill out this document. However, he did provide the information that was used. He informed the preparer that his primary residence was 106 Macon Avenue and that he did not want the government to vacate the homestead exemption for his primary residence.
18. Green secured a mortgage on the SR56 property through Mid-Southern Bank. The mortgage payment covered principal and interest. Green's bank provided him with a payment book. The address on the payment book in 2012 was 106 Macon Ave. The address on his payment book on the date of trial was 509 Tucker Street.
19. The First Deputy of the Washington County Auditor's (hereinafter "Deputy Auditor") office testified at trial. She testified that she was the individual that took the steps to assign a homestead exemption on Green's property located at SR56.

20. The Deputy Auditor testified that she did an investigation to determine where the homestead exemption should be assigned. She did not have a duty to attempt to determine if a homestead exemption should be credited to the SR56 property. She did not contact Green and ask him if it was his desire to have a homestead exemption on SR56.
21. The Deputy Auditor acknowledged that the document signed by Green indicated that his primary residence was 106 Macon Avenue, Salem, Indiana and that he was not requesting that a homestead exemption be removed from his primary residence.
22. Green sold the Macon Avenue house on June 3, 2016 and purchased the 509 Tucker Street property on June 13, 2016.
23. Christie Grider, Respondent's current girlfriend of 17 years testified that she and Green moved together to the 2900 Old State Road 56, Salem, IN 47167 in 2016. The Tucker Street house needed renovation to be habitable. Later, Justin Green moved from their home to reside by himself at 509 Tucker Street, Salem, IN 47167. Christie Grider was unable to provide a date for the move. Respondent testified that in 2016 the property was uninhabitable. In 2016 the Tucker Street was assessed as a pole barn for \$600.00 and was not reassessed as residential property until 2019.
24. Green secured a "Building Permit" to begin the renovations on the Tucker Street property on September 21, 2016. The Tucker Street home was inspected on July 17, 2017. It was considered habitable; however, it did not have kitchen appliances, or carpeting. It was not fully furnished at that time.
25. Green acknowledged that he visited the Auditor's Office about five times in 2019 in the process of changing the homestead from 2900 Old State Road 56, Salem, IN 47167 to 509 Tucker Street, Salem, IN 47167.
26. Greg Ball, Washington County Assessor, testified that the last assessment at 509 Tucker Street, was June, 2019, at which time the property was changed from "other structure" with an assessed value of \$900.00 to "Residential".
27. Bill Barnett, Petitioner's witness from Knapp, Miller, Brown Agency was told by Green that his residence was in the City of Salem.
28. Sabrina Burdine, Executive Director of the Washington County Economic Development Commission has an office in City Hall and works closely with the Mayor on a variety of economic issues. Ms. Burdine testified that she had no knowledge of the 509 Tucker Street property and conducted her correspondence with Respondent at his Business address, 501 South Main Street, Salem, IN 47167.
29. Green moved from Macon Avenue to SR 56 and then to Tucker Street and contacted the Indiana Department of Insurance to notify them of the need to change his residence on his Insurance License to Tucker Street.

