

# *Agricultural Land Use & Zoning School*

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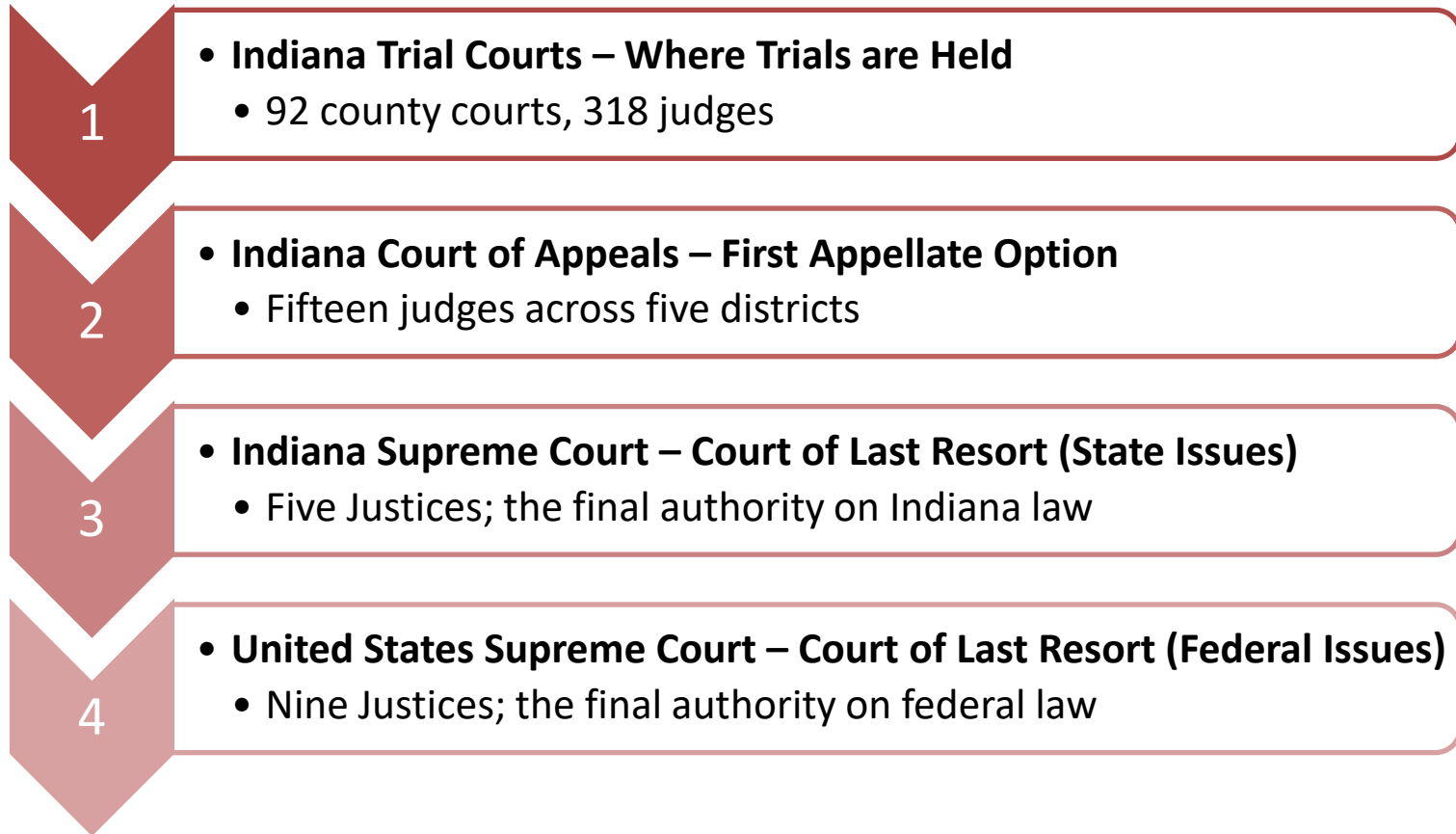
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# State Court System



# Federal Court System

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- **Federal District Courts – Where Trials are Held**

- Two in Indiana, each split into four divisions
- 94 total U.S. District Courts across the country

2

- **Federal Circuit Courts of Appeals – First Appellate Option**

- Thirteen across the country, divided geographically
- Indiana sits in the Seventh Circuit (based in Chicago)

3

- **United States Supreme Court – Court of Last Resort**

- Nine Justices
- Only hears 70-80 cases each year

# *Sawlani v. Lake County Assessor*

## 240 N.E.3d 734 (Ind. Tax. Ct. 2024)

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- Couple owned a home on approximately four acres of land.
- State Constitution requires taxes on all property used “as a principal place of residence” be capped at 1%.
- State statute said 1% tax cap only extended to one acre surrounding property.
- State statute was ruled unconstitutional as applied to the couple, as the state Constitution does not include a one acre maximum.
- “[F]or the purposes of the Constitution, the amount of land that may be entitled to the one percent cap may be less than, more than, or exactly one acre. The inquiry necessarily depends on factors other than the size or acreage of the land in question.”

**Takeaway – The state Constitution’s 1% tax cap on residences is not necessarily limited to one acre.**

# *Ehrlich v. Starke Solar, LLC,* 219 N.E.3d 749 (Ind. Ct. App. 2023)\*

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- Remonstrators challenged city council’s decision to designate farmland to be used as solar power facility as an Economic Revitalization Area, arguing that the land had been “developed” because it contained drainage tiling and watering systems.
- The Indiana Court of Appeals held that drainage tiling and watering systems do not meet the statutory definition for “developments” or “improvements,” and therefore the city counsel’s designation was proper.
- “In the context of real property, derivations of the terms ‘develop’ and ‘improve’ consistently refer to the addition of buildings or structure to land.”

**Takeaway – Farmland without structures can be deemed an ERA under the statutory definition, even if it has been improved with drainage tiling or watering systems.**

**\*Pending legislation could affect this holding**

# *Luna Vanegas v. Signet Builders, Inc.,* 46 F.4th 636 (7th Cir. 2022)

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- Employee was a citizen of Mexico hired to construct livestock confinement facilities.
- Employee sued employer, claiming he was entitled to overtime pay under the FLSA.
- District Court dismissed the case, finding the work fell within the FLSA's secondary agricultural exemption ("Exemption").
- Seventh Circuit reversed the dismissal, holding that whether the work was "agricultural" could not be decided at the pleading stage.

**Takeaway – Whether an employee's work falls with the FLSA's secondary agricultural exemption typically cannot be decided on a motion to dismiss.**

# *Wolf's Marine, Inc. v. Brar,*

## 3 N.E.3d 12 (Ind. Ct. App. 2014)

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- Dr. Brar, an Indiana resident who owned a boat located in Chicago on Lake Michigan, hired Wolf's Marine ("Wolf's") to store the boat over the winter. Wolf's emailed a contract to Dr. Brar's agent in Carmel, who signed it. Wolf's then had an employee pick the boat up in Chicago and sail it to Michigan for winter storage. After retrieving the boat, Dr. Brar sued Wolf's in Hamilton County, Indiana, alleging Wolf's had damaged it. Wolf's moved to dismiss the lawsuit because the court lacked personal jurisdiction.
- "Wolf's deliberate contacts with Indiana were limited to general advertising, emailing a form contract to [agent] at [agent's] request, and invoicing and receiving payment...this was not sufficient for 'purposeful availment' of the privilege of conducting business in Indiana."

**Takeaway – Limited contractual arrangements between out-of-state residents and Indiana residents will not subject out-of-staters to personal jurisdiction in Indiana.**

# *State v. Tik Tok, Inc.,*

## 245 N.E.3d 681 (Ind. Ct. App. 2024)

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- State of Indiana sued Tik Tok, alleging it engaged in deceptive acts under Indiana’s DCSA. Tik Tok moved to dismiss, arguing that Indiana courts could not exercise personal jurisdiction over it because it had not purposefully tried to conduct business in Indiana. Unlike *Wolf’s Marine*, the Indiana Court of Appeals concluded that Indiana courts did have personal jurisdiction over Tik Tok.
- “We have little trouble concluding that Indiana’s judiciary has specific personal jurisdiction over TikTok. Tik Tok’s contacts within Indiana are well beyond the ‘minimum’ needed to satisfy due process. Tik Tok has millions of end-users of its app within Indiana [and] [i]ts engagement with those end-users is neither passive nor fleeting.” Further, Tik Tok “has invoked those contacts as part of its business model.”

**Takeaway – Persistent contacts with Indiana residents over the internet can subject a business to personal jurisdiction.**



# *Matter of Estate of Blair,* 177 N.E.3d 84 (Ind. Ct. App. 2021)

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- Deceased, Larry Blair, had a will dividing his real estate between his daughters and stepchildren. After Larry was diagnosed with a brain tumor, daughter Laura and granddaughter Samantha encouraged Larry to change his will, and eventually he quitclaimed the real estate to Samantha. After Larry died, Laura became his estate's personal representative. His stepchildren filed a petition requesting the court invalidate the transfer to Samantha and that the home be administered as part of the estate. The court found that Samantha exercised undue influence over Larry and invalidated the transfer, and she appealed.
- The Court of appeals concluded the transfer was invalid. Samantha, as Larry's caretaker, was the dominant party in a confidential relationship with Larry. Therefore, she had a burden to rebut the presumption of undue influence, which she did not meet.

**Takeaway – admissible evidence of cognitive decline and reversal of traditional confidential relationship created a presumption of undue influence.**

# *State v. Franciscan Alliance, Inc.,* 245 N.E.3d 144 (Ind. 2024)\*

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- State condemned portions of landowners' parcels in connection with State Road 37 improvement project; the project also caused the closure of a nearby intersection at 37 and Fairview Road.
- Jury awarded landowners damages well above the value of the takings based on evidence that intersection closure decreased parcels' value.
- Indiana Supreme Court re-affirmed its holding that increased circuitry of travel is not a taking. Landowners can only recover damages "when a property actually or constructively loses ingress and egress points between the property and a public roadway," not merely for increased circuitry of travel.

**Takeaway – In an eminent domain action, increased circuitry of travel is not compensable.**

**\*Petition for Supreme Court review filed January 31, 2025**

# Contact Information

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