

# INDIANA BOARD OF TAX REVIEW

## Final Determination Findings and Conclusions Lake County

**Petition #:** 45-032-02-1-5-00503  
**Petitioners:** Joseph R. & Shirley M. Centanni  
**Respondent:** Department of Local Government Finance  
**Parcel #:** 009-20-13-0282-0035  
**Assessment Year:** 2002

The Indiana Board of Tax Review (the "Board") issues this determination in the above matter, and finds and concludes as follows:

### Procedural History

1. The Petitioners attended the informal hearing as described in Ind. Code § 6-1.1-4-33 on January 19, 2004, in Lake County, Indiana. The Department of Local Government Finance (DLGF) determined that the Petitioners' property tax assessment for the subject property was \$182,200 and notified the Petitioners on March 26, 2004.
2. The Petitioners filed a Form 139L on April 23, 2004.
3. The Board issued a notice of hearing to the parties dated October 14, 2004.
4. A hearing was held on November 18, 2004, in Crown Point, Indiana before Special Master Barbara Wiggins.

### Facts

5. The subject property is a tri-level residence located at: 837 Farmer Court, Schererville, in St. John Township.
6. The Special Master did not conduct an on-site visit of the property.
7. Assessed Value of subject property as determined by the DLGF:  
Land \$36,700      Improvements \$145,500      Total \$182,200
8. Assessed Value requested by Petitioners on the Form 139L petition:  
Land \$34,000      Improvements \$132,000      Total \$166,000
9. The persons indicated on the sign-in sheet (Board Exhibit C) were present at the hearing.

10. Persons sworn in at hearing:
- For Petitioners: Joseph Centanni, Owner  
Shirley Centanni, Owner
- For Respondent: Anthony Garrison, DLGF

### **Issues**

11. Summary of Petitioners' contentions in support of an alleged error in the assessment:
- a) The subject property should be valued similarly to the neighboring properties. In support of their contention, the Petitioners presented information concerning the assessed values of properties located on Farmer Ct. and Appletree Drive, in Schererville. *J. Centanni argument; Pet'r Ex. 5.*
  - b) The assessment of the subject property increased by \$13,300 following the informal hearing, yet there had been no changes to the property since the time of the original assessment. *J. Centanni Testimony; Pet'r Ex. 2.*
  - c) The subject basement has paneling and carpet. There is also a laundry area. *S. Centanni Testimony.* The subject basement does not have finish consistent with the rest of the dwelling. *Id.*
12. Summary of Respondent's contentions in support of the assessment:
- a) The subject land is valued higher than neighboring parcels because the subject property is located at the end of a cul-de-sac and therefore has more effective frontage than the neighboring parcels. *Garrison Testimony.*
  - b) The assessment was increased after the informal hearing when it was discovered that the subject dwelling had a finished basement. *Garrison Testimony.*
  - c) Because the basement does not have the same finish as the rest of the subject dwelling, it could be assessed as a recreation (Rec) room. *Garrison Testimony*

### **Record**

13. The official record for this matter is made up of the following:
- a) The Petition.
  - b) The tape recording of the hearing labeled Lake Co. #820.
  - c) Exhibits:

Petitioners Exhibit 1: Original Assessment (Form 11) dated 3/1/02  
Petitioners Exhibit 2: Final Assessment Dated 3/26/04  
Petitioners Exhibit 3: Farmer Court Properties Assessment Data  
Petitioners Exhibit 4: Appletree Drive Properties Assessment Data  
Petitioners Exhibit 5: Comparison of Subject vs. Neighboring Properties

Respondent Exhibit 1: Form 139L Petition  
Respondent Exhibit 2: Subject Property Record Card  
Respondent Exhibit 3: Subject Photograph  
Respondent Exhibit 4: Height Design Sheet from Manual

Board Exhibit A: Form 139L Petition  
Board Exhibit B: Notice of Hearing  
Board Exhibit C: Sign in Sheet

d) These Findings and Conclusions.

### **Analysis**

14. The most applicable laws are:

- a) A Petitioner seeking review of a determination of an assessing official has the burden to establish a prima facie case proving that the current assessment is incorrect, and specifically what the correct assessment would be. *See Meridian Towers East & West v. Washington Twp. Assessor*, 805 N.E.2d 475, 478 (Ind. Tax Ct. 2003); *see also, Clark v. State Bd. of Tax Comm'rs*, 694 N.E.2d 1230 (Ind. Tax Ct. 1998).
- b) In making its case, the taxpayer must explain how each piece of evidence is relevant to the requested assessment. *See Indianapolis Racquet Club, Inc. v. Washington Twp. Assessor*, 802 N.E.2d 1018, 1022 (Ind. Tax Ct. 2004) (“[I]t is the taxpayer's duty to walk the Indiana Board . . . through every element of the analysis”).
- c) Once the Petitioner establishes a prima facie case, the burden shifts to the assessing official to rebut the Petitioner’s evidence. *See American United Life Ins. Co. v. Maley*, 803 N.E.2d 276 (Ind. Tax Ct. 2004). The assessing official must offer evidence that impeaches or rebuts the Petitioner’s evidence. *Id; Meridian Towers*, 805 N.E.2d at 479.

15. The Petitioners provided sufficient evidence to support some of their contentions. This conclusion was arrived at because:

### Overall Assessment

- a) The Petitioners contend that the subject property’s assessment should be more in line with the assessments of neighboring properties. The Petitioners presented a listing of

assessed values for other homes in the neighborhood in support of their position.  
*Pet'r Ex. 5.*

- b) The Petitioners, however, did not explain how the other properties in the neighborhood were comparable to the subject property. The Petitioners did not compare the subject property to the neighboring property with regard to characteristics that are relevant to the assessment of properties under the Real Property Assessment Guidelines for 2002 – Version A. For example, the Petitioners did not compare the size of the lots and dwellings, the presence or absence of amenities or the existence of attics, basements, garages, and other interior and exterior features. Consequently, the information concerning the assessed values of neighboring properties lacks probative value.

#### Basement

- c) The Petitioners also contend that the Respondent increased their assessment following the informal hearing, even though the subject property had not changed since the time of its original assessment. The Respondent explained that it increased the assessment after it discovered through the informal hearing that the subject dwelling has a finished basement. *Garrison testimony.*
- d) The Petitioners disputed that the basement is finished. Joseph Centanni testified that the basement is not finished in the same manner as the remainder of the subject dwelling and that its “finish” consists only of paneling and carpet. *J. Centanni testimony.* The Respondent conceded that, because the basement finish was not the same as the rest of the dwelling, it could be assessed as an unfinished basement with a basement recreation room.
- e) The Petitioners’ evidence and the Respondent’s concession are consistent with the Real Property Assessment Guidelines for 2002 – Version A (“Guidelines”), which provide, in relevant part:

A basement containing finish consistent with the remainder of the dwelling is considered as a finished basement. This is normally defined as basement living quarters. An area having finish inconsistent with the remainder of the dwelling is considered as a basement recreation room.

REAL PROPERTY ASSESSMENT GUIDELINES FOR 2002 – VERSION A, ch. 3 at 39  
(incorporated by reference at 50 IAC 2.3-1-2)

- f) Neither party actually addressed which specific category of recreation room under the Guidelines best describes the recreation room contained in the subject dwelling. Nonetheless, Table 3-11 of the Guidelines provides a very brief description of various types of recreation rooms. *Id.* at 31. The limited evidence provided by the Petitioners regarding the finish in the subject basement is consistent with the description of a “Rec 2,” which includes “flooring, ceiling and interior wall finish.” *Id.*

- g) Based on the foregoing, the Board finds that the Petitioners established that the assessment is incorrect to the extent it values the subject dwelling as having a finished basement. The Board further finds that the basement area of the subject dwelling should be assessed as an unfinished basement with a “Rec 2” recreation room.

### **Conclusions**

#### Comparison to neighboring properties

16. The Petitioners failed to make a prima facie case that the subject property’s assessment is excessive in comparison to the assessments of neighboring properties. The Board finds for the Respondent on this issue.

#### Basement

17. The preponderance of the evidence demonstrates that the current assessment is incorrect to the extent that it values the subject dwelling as having a finished basement. The Board finds the assessment of the subject dwelling should be changed to reflect an unfinished basement with a basement recreation room code of Rec 2.

### **Final Determination**

In accordance with the above findings and conclusions, the Indiana Board of Tax Review now determines that the assessment should be changed.

ISSUED: \_\_\_\_\_

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Commissioner,  
Indiana Board of Tax Review

## IMPORTANT NOTICE

- Appeal Rights -

**You may petition for judicial review of this final determination pursuant to the provisions of Indiana Code § 6-1.1-15-5. The action shall be taken to the Indiana Tax Court under Indiana Code § 4-21.5-5. To initiate a proceeding for judicial review you must take the action required within forty-five (45) days of the date of this notice.** You must name in the petition and in the petition's caption the persons who were parties to any proceeding that led to the agency action under Indiana Tax Court Rule 4(B)(2), Indiana Trial Rule 10(A), and Indiana Code §§ 4-21.5-5-7(b)(4), 6-1.1-15-5(b). The Tax Court Rules provide a sample petition for judicial review. The Indiana Tax Court Rules are available on the Internet at <http://www.in.gov/judiciary/rules/tax/index.html>. The Indiana Trial Rules are available on the Internet at [http://www.in.gov/judiciary/rules/trial\\_proc/index.html](http://www.in.gov/judiciary/rules/trial_proc/index.html). The Indiana Code is available on the Internet at <http://www.in.gov/legislative/ic/code>.