

THE CITY OF PROVIDENCE  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# RESOLUTION OF THE CITY COUNCIL


No. 323

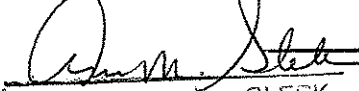
*Approved* November 1, 2010

RESOLVED, That the Tax Assessor is requested to grant the Homestead Exemption to the property located on Assessor's Plat 40, Lot 257 (26 Loring Avenue), for the most recent tax year requested in the petition and to the tax year immediately prior for a maximum of two years.

IN CITY COUNCIL

OCT 21 2010  
READ AND PASSED

  
PRES.

  
CLERK

  
APPROVED

MAYOR

11/1/10

## **PETITION TO PROVIDENCE CITY COUNCIL FOR RELIEF**


Now comes Peter D. Cardi, and hereby requests that the Honorable City Council grant tax relief under the following facts and circumstances:

1. My wife, Diana M. Cardi, and I purchased our home at 26 Loring Avenue, City of Providence, on August 1, 2005.
2. Since that date my wife and our 2 children have continuously lived in the property as our home.
3. All bills for utilities have been in our names since that date and our driver's licenses and voting records indicate that we live in at this address.
4. When we acquired our home, we placed title in the name of a Rhode Island limited liability company for estate planning purposes per recommendation of our counsel. The only members are my wife and I.
5. And, during our ownership, our tax bills have reflected the application of the "homestead exemption" by the assessor's office.
6. Only recently, when the City Council eliminated, retroactively to December 31, 2009, the homestead exemption for non-owner occupied property did we realize that, despite the fact that we live in the house as our residence, we were not receiving the full 50% homestead but only 33% homestead because no one appreciated that we were living in the house and we did not appreciate that we were being treated as if we did not live in the house.
7. When I went to speak to personnel at the assessor's office, we reviewed the situation; and, I was informed that because the property was not titled in revocable trust, but rather a limited company, the property could not be considered as owner occupied under levy ordinance because the ordinance requires that only property held by a "natural person" is eligible for tax relief. We do not wish to change the title of our property over to us personally unless required to do so.
8. Therefore, the tax burden to my family has increased from \$24,446.24 per year to over \$46,287.00.
9. These are taxes which unfairly place the tax burden onto my family simply because of the ownership form selected by us subsequently penalized by the City Council's retroactive elimination of a portion the homestead exemption as previously applied.
10. And, had we known that the City Council would in July of 2010 retroactively change the rules pertaining to the homestead as of December 31, 2009, we would have owned the property outright or used a revocable trust on the assessment date.

11. Because the City Council changed the rules without providing my family any prior notice, we ask for relief from the provision on the levy ordinance restricting the homestead only to natural persons.

12. I ask that the City Council to resolve:

Resolution: In light of finding that Peter D. Cardi. and family have continuously lived at 26 Loring Avenue as their primary residence since September, 2006, but owning the property through their limited liability company, called Mirask, LLC, that for purposes of assessing taxes against said property as of December 31, 2009, the assessor shall, for the taxes due July 2010 through June 2011, amend the requirement of the property being owned by a natural person to include property in the name of an limited liability company where all members reside fulltime at the property. Therefore, said property shall be deemed eligible for the owner occupied homestead exemption as of the assessment date December 31, 2009.

  
Peter D. Cardi

Subscribed and sworn to before me this 4<sup>th</sup> day of October, 2010.

  
Notary Public

**City of Providence  
Real Estate Tax 2009**

Account No.: 9206724001

Mirask LLC  
26 Loring Ave  
Providence, RI 02906

Transamerica R E T S

Remit To:

City of Providence  
PO Box 203  
Providence, RI 02901-0203

To Pay by Credit Card:  
Call 1-866-290-8105 or visit

[www.paybill.com/providencetaxes](http://www.paybill.com/providencetaxes)

THERE IS A NOMINAL FEE FOR THIS SERVICE  
THIS IS THE ONLY NOTICE YOU WILL RECEIVE  
If the first or any subsequent installment of this bill is not paid on the due date, the whole tax or any balance thereof shall immediately become due and payable at the rate of 12% per annum from July 1, 2009.

Assessed Values as of December 31st, 2008  
Plat# 040 Lot# 0257

For Property Located at:  
26 Loring Ave, Providence

Land  
Building/Improvements  
Total Value

Non-Owner Homestead Single Family

VALUATION

ANNUAL TAX

418,200.00  
1,068,900.00  
1,507,100.00  
497,343.00

38,466.92

-12,040.67

1st Qtr pd 9/10/09 ck # 5936 \$6111.56  
2nd Qtr pd 11/08/09 ck # 5987 \$6111.56  
3rd Qtr pd 11/13/10 ck # 6052 \$6111.56  
4th Qtr pd 4/16/10 ck # 6130 \$6111.56  
If taxes are paid by your mortgage company please forward this bill to them

Tax	Municipal	School	Total
Real	\$17.35	\$6.86	\$24.21
Real Commercial	\$20.50	\$8.10	\$28.60
Tangible	\$38.44	\$15.19	\$53.63
Excise	\$55.03	\$21.75	\$76.78

TOTAL DUE 24,446.24

Contact information:  
Tax Assessor (401) 421-5900  
Tax Collector (401) 331-5252

Register for E-mail notification: [www.providenceri.com/taxpay](http://www.providenceri.com/taxpay)

City of Providence  
2009 Real Estate Tax

4th Quarter

Mirask LLC  
26 Loring Ave  
Plat# 040 Lot# 0257

DUE DATE

4/24/2010

Due This Quarter: 6,111.56

PLEASE RETURN THIS STUB WITH YOUR PAYMENT

00229703960000006111568

24,446.24  
x 25% = 6111.56

Total \$ 30557.80  
Should be

\$7639.45 per qtr

**City of Providence      2010**  
**Declaration of Homestead**

Plat 040 Lot 0257 Unit \_\_\_\_\_

To the Providence City Assessor.  
This is my **DECLARATION OF HOMESTEAD** in the  
**CITY OF PROVIDENCE** that I am filing this day.

I hereby declare that I reside in and maintain a place of abode at:

26 Loring Avenue

Number and Street

Apt. Or Unit #

Providence

, Rhode Island 02906

City

Zip Code

Which place of abode I recognize and intend to maintain as my permanent home and, if I maintain another place or places of abode in some other CITY/TOWN or state, I hereby declare that my above-described residence and abode in the CITY of PROVIDENCE constitutes my predominant and principle home, and I intend to continue it permanently as such. I, at the time of making this declaration, am a bona fide resident of the CITY of PROVIDENCE.

I formerly resided at: (If you previously resided in a different property less than three years ago, please print the address below. If same, print "SAME").

Same

Number and Street

Apt. Or Unit #

City, State, and Zip Code

I understand that I shall furnish proof of residence (see back of form) in accordance with Chapter 2001-25 No. 398 of the Ordinances of the City of Providence.

By ☒ Checking ALL of the following boxes, **AND** signing below, I swear that I:

- ☒ Own [(Am a natural person(s)) holding legal title] my residence (home) as of December 31<sup>st</sup>
- ☒ Actually reside (live) in my residence as of December 31<sup>st</sup>
- ☒ Am a permanent Providence resident as of December 31<sup>st</sup>
- ☒ Am clear of Housing Court Judgements as of December 31<sup>st</sup>

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

Diana M. Cardi  
Signature

Diana M. Cardi

Print Name

401-432-7231

Phone Number

State of Rhode Island

City of Providence

Sworn to and subscribed before me this 7<sup>th</sup> day of October 2010 by the above named, who

☒ Is personally known to me or ☐ has produced the following type of ID:

Rusamaria Chatowsky  
Signature of Notary

Commission Expires: 7/7/2011

RUSAMARIA CHATOWSKY

Print, Type or Stamp Commissioned Name

Commission Number: 45212

**Rhode Island**

DRIVER LICENSE

Class: 10 License No: 2696274

Birthdate: 07-08-1958 Expires: 07-08-2013

Sex	HT	WT	Eyes	Issue Date
F	508	190	BLUE	07-08-2008

Restrictions:      Endorsements:

DIANA M CARDI

26 LORING AVE

PROVIDENCE, RI 02906

*Diana M. Cardi*

*Charles J. Feltz*

 DL



**City of Providence      2010**  
**Declaration of Homestead**

Plat 040 Lot 0257 Unit \_\_\_\_\_

To the Providence City Assessor.  
This is my **DECLARATION OF HOMESTEAD** in the  
**CITY OF PROVIDENCE** that I am filing this day.

I hereby declare that I reside in and maintain a place of abode at:

**26 Loring Avenue**

Number and Street

Apt. Or Unit #

**Providence**

Rhode Island **02906**

City

Zip Code

Which place of abode I recognize and intend to maintain as my permanent home and, if I maintain another place or places of abode in some other CITY/TOWN or state, I hereby declare that my above-described residence and abode in the CITY of PROVIDENCE constitutes my predominant and principle home, and I intend to continue it permanently as such. I, at the time of making this declaration, am a bona fide resident of the CITY of PROVIDENCE.

I formerly resided at: (If you previously resided in a different property less than three years ago, please print the address below. If same, print "SAME").

**Same**

Number and Street

Apt. Or Unit #

City, State, and Zip Code

I understand that I shall furnish proof of residence (see back of form) in accordance with Chapter 2001-25 No. 398 of the Ordinances of the City of Providence.

By Checking ALL of the following boxes, AND signing below, I swear that I:

- ☒ I Own [(Am a natural person(s)) holding legal title] my residence (home) as of December 31<sup>st</sup>  
☒ I Actually reside (live) in my residence as of December 31<sup>st</sup>  
☒ I Am a permanent Providence resident as of December 31<sup>st</sup>  
☒ I Am clear of Housing Court Judgements as of December 31<sup>st</sup>

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

Signature

**Peter D. Cardi**

Print Name

**401-432-7231**

Phone Number

State of Rhode Island

City of Providence

Sworn to and subscribed before me this 4<sup>th</sup> day of October, 2010 by the above named, who

☒ Is personally known to me or ☐ has produced the following type of ID:

Signature of Notary

Commission Expires:

7/7/2011

**ROSAMARIA CHATOWSKY**

Print, Type or Stamp Commissioned Name

Commission Number: 45212





# MEMO

TO: John Igliozi, Finance Committee Chairman  
FROM: John Gelati  
DATE: October 7, 2010  
RE: Mirask LLC, 26 Loring Avenue (Plat 40/Lot 257)

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## SUMMARY NARRATIVE

The current owner is Mirask LLC has owned this property since August 2005. The resolution requesting to abate in part the taxes assessed upon the property is denied due in part that an LLC does not qualify to receive the homestead exemption. In order to qualify for the homestead exemption, the property must be owned by a human entity.

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## SALIENT FACTS

PLAT:	40
LOT:	257
STREET ADDRESS:	26 Loring Avenue
PREVIOUS OWNER:	N/A
PRESENT OWNER:	Mirask LLC
DATE OF PURCHASE:	August 2005
CONFLICT OF INTEREST WITH ABATEMENT OF TAXES :	N/A

See ATTACHMENTS

City of Providence  
Tax Map # 040-0257-0000  
Parcel Id 13793  
26 Loring Ave, Providence  
Mirask LLC Since Aug 2005  
26 Loring Ave  
Providence, RI 02906

Class	01 Single Family	Roll Section	1 Taxable
Property Type	1 Residential	Nbhd	1530 1530
Zoning	R1 R-1	District No.	1
Living Units	1	Tax Code	R01 R01
Size Total	0.34 Acres		
FY	2010		

**Parcel Info.**

Subdivision

/

Effective Year  
1967Inactive Year  
9999

Legal

**Legal Description**

Front Size  
Size 1 14680 Square Feet  
Size 2  
Size Total 0.34 Acres

Class  
Primary Land  
Property Type

01 Single Family  
1 Residential

**Owner (Current)**

Mirask LLC  
26 Loring Ave  
Providence, RI 02906

**Owner (Previous)**

MICHAEL RUBINSTEIN Trustee  
362 IVES ST  
PROVIDENCE, RI 02906-3929

LINDA RUBINSTEIN Trustee  
362 IVES ST  
PROVIDENCE, RI 02906-3929

GREGORY DEMARCO  
26 LORING AVE  
PROVIDENCE, RI 02906-5616

Susan Demarco  
26 Loring Ave  
Providence, RI 02906-5616

Cendant Mobility Fin Corp  
40 Apple Ridge Rd  
Danbury, CT 06810

**Sales Information**

Date	Book/Page	Instrument	Doc.No.	Adj. Reason	Sale Price	Subj. Price
8/2/2005	7464/003	WARRANTY DEED	Sole Owner	U I	\$1,600,000	\$1,600,000
8/2/2005	7464/001	WARRANTY DEED	Sole Owner	U I	\$1,600,000	\$1,600,000
1/10/2003	5530/090	WARRANTY DEED	Ten Ent	U I	\$1,115,000	\$1,115,000

City of Providence  
Tax Map # 040-0257-0000  
Parcel Id 13793  
26 Loring Ave, Providence  
Mirask LLC Since Aug 2005  
26 Loring Ave  
Providence, RI 02906

Class	01 Single Family	Roll Section	1 Taxable
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Zoning	R1 R-1	District No.	1
Living Units	1	Tax Code	R01 R01
Size Total	0.34 Acres		
FY	2010		

RE Assessment

CURRENT YEAR INFO 2010					
Land Value	Improvements	Total Value	Tax Rate	True Taxes	Total Taxes
\$399,500	\$1,124,100	\$1,523,600		\$46,287.00	\$46,287.00
PRIOR YEAR INFO 2009					
Land Value	Improvements	Total Value			Total Taxes
\$418,200	\$1,088,900	\$1,507,100			\$24,446.24

RE Exemptions

Exempt No	Exempt Desc	Start Date	End Date	Amount	Tax Rate	Net Amount
HS01NO	NO Homestead SingleFami			\$0	0.00	\$0.00