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STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

2000 028866

2000 APR 28 PM 1:27

MORRIS W. CARTER  
RECORDER

**FINDINGS OF FACT AND ACTION TAKEN BY HEARING OFFICER AT HEARING ON AN ORDER ISSUED BY THE BUILDING COMMISSIONER UNDER THE UNSAFE BUILDING ORDINANCE OF THE CITY OF GARY, INDIANA.**

CASE NO.: 9/21/99

PROPERTY OWNER: JOHN W. & BETTY PHILLIPS, FIRST METROPOLITAN BUILDERS OF AMERICA, BANK OF INDIANA NATIONAL ASSOCIATION FKA/NKA BANK ONE, LAKE COUNTY TREASURER, LAKE COUNTY AUDITOR.

PROPERTY ADDRESS: 1509 EAST 44<sup>TH</sup> PLACE, GARY, INDIANA 46409  
(SEE ATTACHED COPY OF ORDER FOR LEGAL DESCRIPTION)

**FINDINGS**

PROPER NOTICE GIVEN: YES  NO  MANNER OF SERVICE: CERTIFIED MAIL

The building subject to the Order constitutes an Unsafe Building within the meaning of the Unsafe Building Ordinance of the City of Gary, Indiana: ( YES ) ( NO ).

**ACTION TAKEN**

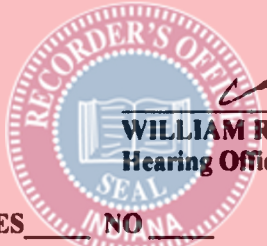
ORDER AFFIRMED: YES ORDER RESCINDED:        HEARING CONTINUED TO:       

ORDER MODIFIED AS FOLLOWS:       

A copy of said Order is attached hereto and is made a part hereof.

Performance Bond Posted        Amount \$       

Date of Hearing: September 21, 1999



WILLIAM R. NORMAN, #9663-45  
Hearing Officer

EXPENSE RECORD ATTACHED: YES  NO

Subscribed and sworn before me, a Notary Public, in and for the County of Lake and State of

Indiana; this 24 day of January, 2000.

My Commission Expires: 12-25-2000.

*Paul H. King*

NOTARY PUBLIC

This instrument prepared by: Department of Redevelopment

COST OF DEMOLITION:       

DATE DEMOLITION COMPLETED:       

1500  
E.P.

**CITY OF GARY, INDIANA  
BUILDING DEPARTMENT  
ORDER**

**TO: JOHN W. & BETTY PHILLIPS, OWNER(S) OF RECORD**  
and Any Other Persons having a **Substantial Property Interest\*\*** in unsafe premises, which are the subject of this Order.

**PROPERTY ADDRESS (Unsafe Premises):**

**1509 EAST 44<sup>TH</sup> PLACE, GARY, IN 46409**

**2. NAME AND ADDRESS OF PROPERTY OWNER(S) AND OTHER PERSONS  
HAVING A SUBSTANTIAL PROPERTY INTEREST\*\*:**

JOHN W. & BETTY PHILLIPS, Owner of Record  
1509 East 44<sup>th</sup> Place  
Gary, IN 46409

First Metropolitan Builders of America, Owner of Record  
Attn: Allan Fefferman, President  
300 W. Ridge Road  
Gary, IN 46409

Bank of Indiana, National Association FKA/NKA Bank One  
Attn: Mortgage Department  
1000 East 80<sup>th</sup> Place  
Merrillville, IN 46410

Lake County Treasurer  
c/o PRESIDENT, LAKE COUNTY COMMISSIONERS  
2293 North Main Street  
Crown Point, IN 46307

Lake County Auditor  
c/o PRESIDENT, LAKE COUNTY COMMISSIONERS  
2293 North Main Street  
Crown Point, IN 46307

**\*\*The term, "Substantial Property Interest", means any right in real estate susceptible of being affected in a substantial way by actions authorized by the Unsafe Buildings Ordinance of the City of Gary, including, but not limited to, a fee interest, a life estate or future interest, a present possessory interest, or equitable interest of a contract purchaser; or interest reflected by a recorded lease, license, mortgage, land sale contract or lien.**

**3. LEGAL DESCRIPTION OF REAL ESTATE IN GARY, LAKE COUNTY,  
INDIANA:**

Scarsdale 3<sup>rd</sup> Add. To Gary L.15 Bl.2  
**Key Number:** 47-0144-0015

**4. ORDER:**

The Building Commissioner, in accordance with the Indiana State Statute (I.C. 36-7-9-4 Unsafe building and unsafe premises), has determined the property to be unsafe for the following reason(s):

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- (1) in an impaired structural condition that makes it unsafe to a person or property;
- (2) a fire hazard;
- (3) a hazard to the public health
- (4) a public nuisance;
- (5) dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or
- (6) vacant and not maintained in a matter that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance; is considered an unsafe building.

The building inspection report is on file in the City of Gary, Department of Redevelopment, 100 West 4th Avenue, Suite 202, Gary, IN; and may be reviewed between the hours of 8:30 a.m. and 5:00 p.m.

The Building Commissioner orders that the Property Owner(s) demolish the unsafe building and clear the premises of debris. Such operations must begin within ten (10) days from the date of this order.

5. **HEARING:**

A hearing will be held in the Gary City Hall Council Chambers, 2nd Floor, 401 Broadway, Gary, Indiana, on **Tuesday, September 21, 1999, at 10:00**

**A.M.** You have the right to appear at the hearing with or without legal counsel and present evidence, cross-examine opposing witnesses, and make argument.

If you appear to request additional time to reconstruct and/or to rehabilitate the building, or correct violations, you must present evidence of your intent to make improvements. (SEE ATTACHMENT.)

If the structure is not demolished and if you fail to appear, the hearing will proceed in your absence; and you will be bound by the determination of the Hearing Officer. The Building Commissioner will act pursuant to the power conferred upon him under the Unsafe Buildings Ordinance.

At the conclusion of the hearing, the Hearing Officer may affirm the Order, rescind the Order or modify the Order. If the Hearing Officer affirms the Demolition Order, this structure will be demolished by the City of Gary and the Property Owner(s) will be responsible for all the expenses incurred in processing your case to obtain the action required by this Order.

6. **TRANSFER OF PROPERTY TO A THIRD (3RD) PERSON:**

If the Property Owner intends to transfer this property after receipt of this Notice, and has not complied with the Order, the Owner(s) MUST:

Continued:

CITY OF GARY, INDIANA  
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- 1.) Supply full information regarding the Order to any person who may take a substantial property interest in the unsafe premises. This information shall be supplied prior to the time when there is any transfer or agreement to transfer any substantial property interest in the unsafe premises; and
- 2.) Supply the following information to the Building Commissioner in writing within five (5) calendar days, after there is any transfer or agreement to transfer a substantial property interest in the unsafe building:
  - a.) The full name, address, and telephone number of the person(s) taking a substantial property interest in the unsafe premises; and
  - b.) A true and accurate copy of the legal instrument under which the transfer or agreement to transfer the substantial property interest is accomplished.

If you have any questions relating to this matter, please contact:

Ann Stewart, Demolition Coordinator  
City of Gary, Indiana  
Department of Redevelopment  
100 West 4th Avenue, Suite 200  
Gary, IN 46402  
(219) 886-1531.

ALL OF WHICH IS ORDERED THIS



AUG 26 1999

2412 280834  
Certified Mail Number

*Russell L. Thompson*  
**RUSSELL THOMPSON,**  
Building Commissioner  
401 Broadway - Room 307  
Gary, Indiana 46402

c-p