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STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

2000 028895

2000 APR 28 PM 1:37

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.: 12/14/99

PROPERTY OWNER: MOSE A. HIGGINS, JANE HIGGINS, STATE OF INDIANA/DEPT. OF REVENUE, ECONOMY INTERIORS, INC., MEDICAL BUSINESS OFFICE, ORTHODONTIC AFFILIATES PC, KAPITAN MOTORS, INC., THE METHODIST HOSPITALS INC., FIRST FEDERAL SAVINGS & LOAN ASSOCIATION, HODGES & DAVIS PC, S.R.I., JOHN S. DULL, ESQ., LAKE COUNTY TREASURER, LAKE COUNTY AUDITOR.

PROPERTY ADDRESS: 4248 JEFFERSON STREET, GARY, INDIANA 46408
(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

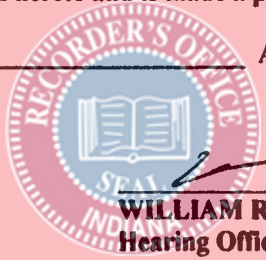
ORDER AFFIRMED: YES ORDER RESCINDED: HEARING CONTINUED TO: _____

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: December 14, 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

Dwight King

NOTARY PUBLIC

This instrument prepared by: Department of Redevelopment

COST OF DEMOLITION: _____

DATE DEMOLITION COMPLETED: _____

17.00
E.F.

**CITY OF GARY, INDIANA
BUILDING DEPARTMENT
ORDER
DEMOLITION HEARING
DECEMBER 14, 1999
10:00 A.M.
GARY COMMON COUNCIL CHAMBERS
401 BROADWAY, 2ND FLOOR
GARY, IN 46402**

**TO: MOSE A. HIGGINS AND JANE HIGGINS, 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):

4248 JEFFERSON STREET, GARY, IN 46408

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

MOSE A. HIGGINS, Owner of Record
4248 JEFFERSON STREET
GARY, INDIANA 46408

JANE HIGGINS, Owner of Record
4248 JEFFERSON STREET
Gary, Indiana 46408

MOSE A. HIGGINS, Owner of Record
124 WEST 44TH AVENUE
GARY, INDIANA 46404

JANE HIGGINS, Owner of Record
124 WEST 44TH AVENUE
GARY, INDIANA 46404

MOSE A. HIGGINS, Owner of Record
841 WEST 52ND DRIVE - APARTMENT B-34
MERRILLVILLE, INDIANA 46410

JANE HIGGINS, Owner of Record
841 WEST 52ND DRIVE - APARTMENT B-34
MERRILLVILLE, INDIANA 46410

MOSE A. HIGGINS, Owner of Record
3951 KENTUCKY STREET
GARY, INDIANA 46409

MOSE A. HIGGINS, Owner of Record
1464 WEST 16TH AVENUE
GARY, INDIANA 46404

MOSE A. HIGGINS, Owner of Record
P.O. BOX 2298
GARY, INDIANA 46407

MOSE A. HIGGINS, Owner of Record
4124 EAST 11TH PLACE
GARY, INDIANA 46403

JANE HIGGINS, Owner of Record
3951 KENTUCKY STREET
GARY, INDIANA 46409

JANE HIGGINS, Owner of Record
1464 WEST 16TH AVENUE
GARY, INDIANA 46404

Continued:

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JANE HIGGINS, Owner of Record
P.O. BOX 2298
GARY, INDIANA 46407

JANE HIGGINS, Owner of Record
4124 EAST 11TH PLACE
GARY, INDIANA 46403

State of Indiana/Dept. of Revenue
Attention: Tax Lien Division
100 North Senate Avenue
Indianapolis, IN 46204

Economy Interiors, Inc.
Irving Kwasman, Owner
6162 Broadway
Merrillville, IN 46410

Medical Business Office
C/o Collection Department
Attention: David Foelber, Attorney
504 East Lincolnway
Valparaiso, Indiana 46469

Orthodontic Affiliates PC
C/o Collection Division
Attention: Deborah McPhee, Attorney
8605 Broadway
Merrillville, IN 46408

Kapitan Motors, Inc.
Contact: David E. Baker, Attorney
5185 Broadway - Ste C
Gary, Indiana 46408

The Methodist Hospitals Inc.
Attn.: CEO or President
600 Grant Street
Gary, Indiana 46402

First Federal Savings and Loan Association
Attention: Attorney William R. Richards
151 North Delaware Street - Ste 1440
Indianapolis, IN 46204

Hodges & Davis P C Attorney
8700 Broadway
Merrillville, Indiana 46410

S.R.I.
C/O Jim Hughes
1942 North Main Street
Crown Point, IN 46307

John S. Dull, ESQ
Atty. for Lake County Commissioners
Dull & Duggars
8300 Mississippi Street, Suite F
Merrillville, IN 46410

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

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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:**

Reissig's Addition to Glen Park Lot 37, and the S ½ of Lot 36 BL 8

Key Number: 46-0404-0030

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):

- (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, December 14, 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.)

Continued:

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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:

- 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.

NOV 19 1999

ALL OF WHICH IS ORDERED THIS _____

2058633061
Certified Mail Number

Russell L. Thompson

RUSSELL THOMPSON,
Building Commissioner
401 Broadway - Room 307
Gary, Indiana 46402