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STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD  
2004 MAY 19

**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: 4/29/2003 **2004 041367**

MORRIS W. BOWEN  
RECORDER

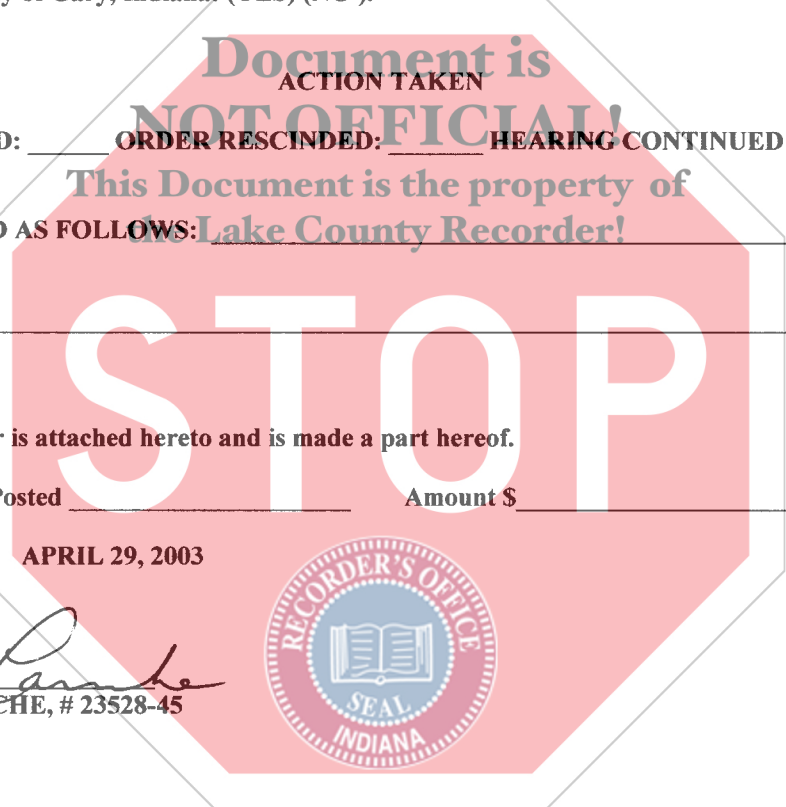
**PROPERTY OWNERS:** DANIEL P CAVENDER,  
OWNER(S) OF RECORD AND ANY OTHER PERSONS  
HAVING A SUBSTANTIAL PROPERTY INTEREST\*\* IN UNSAFE  
PREMISES, WHICH ARE THE SUBJECT OF THIS ORDER.

**PROPERTY ADDRESS:** 5320 WEST 7TH AVENUE, GARY, IN 46406  
(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).



**ORDER AFFIRMED:** \_\_\_\_\_ **ORDER RESCINDED:** \_\_\_\_\_ **HEARING CONTINUED TO:** \_\_\_\_\_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:** APRIL 29, 2003

*Lisa A. Carmouche*  
LISA A. CARMUCHE, # 23528-45  
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  
3 day of MAY, 2004.

**My Commission Expires:** \_\_\_\_\_

*Daryl E James*  
NOTARY PUBLIC

DARYL E JAMES  
Notary Public Seal  
State of Indiana, Lake County  
My Commission Expires 09/28/09

This instrument prepared by: Department of Redevelopment

**COST OF DEMOLITION:** \_\_\_\_\_

**DATE DEMOLITION COMPLETED:** \_\_\_\_\_

GRD  
1600  
BB

CITY OF GARY, INDIANA  
BUILDING DEPARTMENT  
ORDER  
DEMOLITION HEARING  
APRIL 29, 2003  
10:00 A.M.  
ADAM BENJAMIN TRANSPORTATION CENTER  
GPTC BOARD ROOM  
100 WEST 4<sup>TH</sup> AVENUE - 3RD FLOOR  
GARY, IN 46402

TO: DANIEL P. CAVENDER, 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):

5320 WEST 7<sup>TH</sup> AVENUE, GARY, IN 46406

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

DANIEL P. CAVENDER, OWNER(S) OF RECORD  
5320 WEST 7<sup>TH</sup> AVENUE  
GARY, IN 46406

SPENCER HERVEY, FORMER OWNER(S) OF RECORD  
P.O. BOX 536  
Schererville, IN 46375

SPENCER HERVEY, FORMER OWNER(S) OF RECORD  
5320 WEST 7<sup>TH</sup> AVENUE  
GARY, IN 46406

Adm. Of Veteran's Affairs  
575 No. Pennsylvania Street  
Indianapolis, IN 46204

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

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.

Continued:

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

New Brunswick Add. L.12 & 13 Bl.9

**Key Number:** 46-0076-0012

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 manner 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) or the Department of Redevelopment 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 Adam Benjamin Transportation Center, 3rd Floor, GPTC Board Room, 100 West 4<sup>th</sup> Avenue, Gary, Indiana, on **Tuesday, APRIL 29, 2003, 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.

Continued:

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.

ALL OF WHICH IS ORDERED THIS 10th day of April, 2003.

7001-1940-0000-0152-4837  
Certified Mail Number

*Benjamin Robinson*  
BENJAMIN ROBINSON,  
Building Commissioner  
401 Broadway - Room 307  
Gary, Indiana 46402