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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: 8/27/2003 2004 041462

MORRIS...
RECORD...

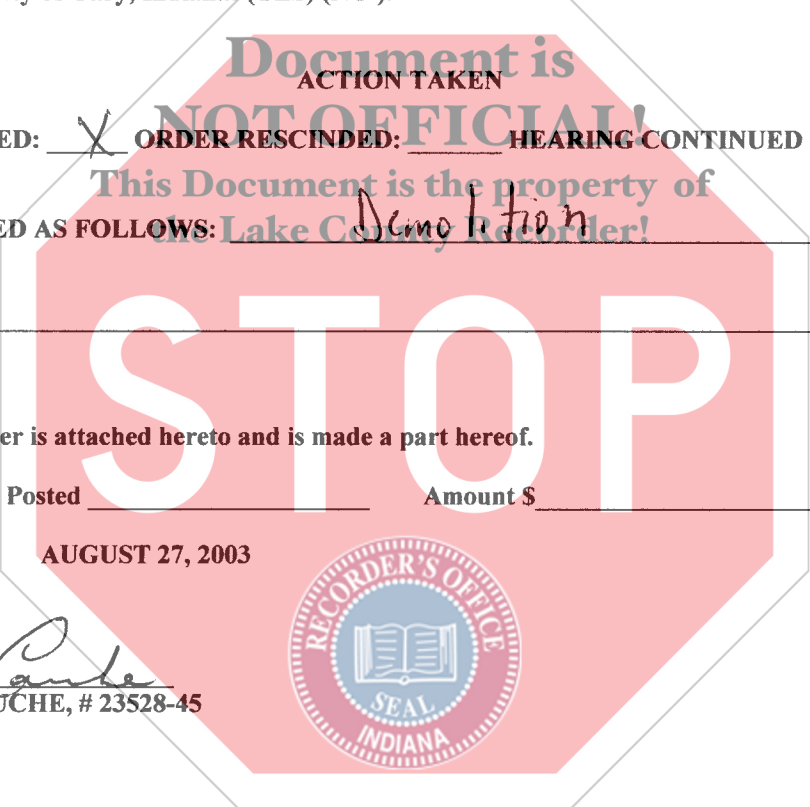
PROPERTY OWNERS: DES CAITAL LLC
OWNER(S) OF RECORD AND ANY OTHER PERSONS
HAVING A SUBSTANTIAL PROPERTY INTEREST** IN UNSAFE
PREMISES, WHICH ARE THE SUBJECT OF THIS ORDER.

PROPERTY ADDRESS: 1704 MARYLAND STREET, GARY, IN 46407
(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ORDER AFFIRMED: ORDER RESCINDED: HEARING CONTINUED TO: _____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: AUGUST 27, 2003

Lisa A. Carmouche
LISA A. CARMOUCHE, # 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 29th day of April, 2004.

My Commission Expires: September 11, 2008.

Notary Signature
NOTARY PUBLIC

This instrument prepared by: Department of Redevelopment

COST OF DEMOLITION: _____

DATE DEMOLITION COMPLETED: _____

GRD
1800
BB

CITY OF GARY, INDIANA
BUILDING DEPARTMENT
ORDER

DEMOLITION HEARING
AUGUST 27, 2003
10:00 A.M.

ADAM BENJAMIN TRANSPORTATION CENTER
GPTC BOARD ROOM
100 WEST 4TH AVENUE - 3RD FLOOR
GARY, IN 46402

TO: **DES CAPITAL, L.L.C., 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):

1704 MARYLAND STREET, GARY, IN 46407

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

DES CAPITAL, L.L.C., OWNER(S) OF RECORD
1704 MARYLAND STREET
GARY, IN 46407

DES CAPITAL, L.L.C., OWNER(S) OF RECORD
GRIFFIN HICKS & HICKS ATTORNEYS AT LAW
C/O ATTORNEY MARC L. GRIFFIN
4000 EAST SOUTHPORT ROAD, SUITE 150
INDIANAPOLIS, IN 46237

DES CAPITAL, L.L.C., OWNER(S) OF RECORD
725 ARIZONA AVENUE
SANTA MONICA, CA 90401

DES CAPITAL, L.L.C., OWNER(S) OF RECORD
2450 Colorado, Ste. 1
100 East Tower Blvd.
SANTA MONICA, CA 90404

MARIEA GILMORE
1704 MARYLAND STREET
GARY, IN 46407

MARY GILMORE
1704 MARYLAND STREET
GARY, IN 46407

LAKE SUPERIOR COURT
2293 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

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

continued:

****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.**

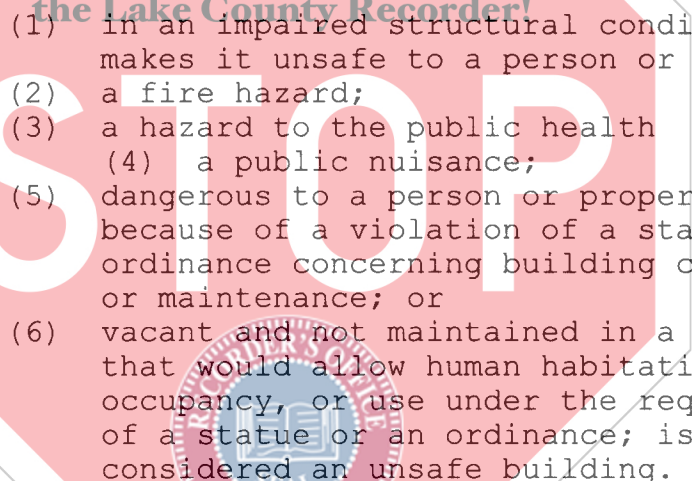
3. LEGAL DESCRIPTION OF REAL ESTATE IN GARY, LAKE COUNTY, INDIANA:

MC Key's Add.L.2 Bl.12

Key Number: 46-0067-0002

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 4th Avenue, Gary, Indiana, on **WEDNESDAY, AUGUST 27, 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.

Continued:

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:

- 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.

Continued:

CITY OF GARY, INDIANA
BUILDING DEPARTMENT ORDER
PAGE THREE

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 6th day of August, 2003

7001-1140-0001-2806-1398

Certified Mail Number

Benjamin Robinson

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

sc

