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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

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD
2004 MAY 19 7:16 AM
MORRIS COUNTY CLERK
RECORDS

CASE NO: 3/16/2004 2004 041489

PROPERTY OWNERS: DONALD BURT
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: 1003 EAST 49TH AVENUE, GARY, IN 46409
(SEE ATTACHED COPY OF ORDER FOR LEGAL DESCRIPTION)

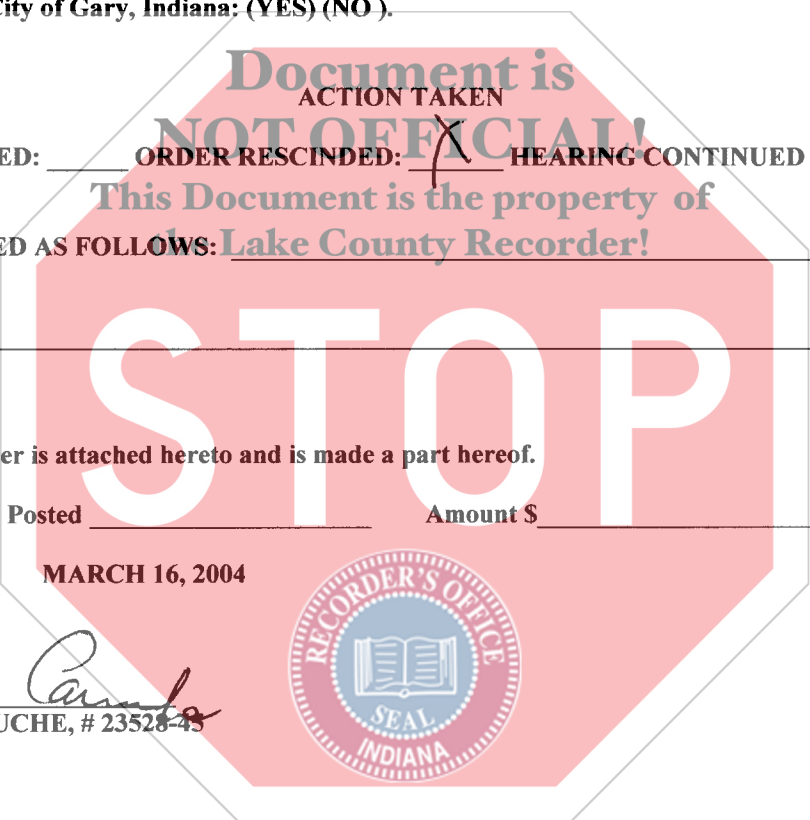
FINDINGS

PROPER NOTICE GIVEN: YES X 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ORDER AFFIRMED: _____ ORDER RESCINDED: X HEARING CONTINUED TO: _____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: MARCH 16, 2004

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 3 day of MAY, 2004.

My Commission Expires: _____

[Signature]
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: _____

*GRO
1800
B*

CITY OF GARY, INDIANA
BUILDING DEPARTMENT
ORDER
DEMOLITION HEARING
MARCH 16, 2004
10:00 A.M.
ADAM BENJAMIN TRANSPORTATION CENTER
GPTC BOARD ROOM
100 WEST 4TH AVENUE - 3RD FLOOR
GARY, IN 46402

TO: DONALD BURT, 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):

1003 EAST 49TH AVENUE , GARY, IN 46409

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

DONALD BURT, OWNER(S) OF RECORD
1003 EAST 49TH AVENUE
GARY, IN 46409

WILLIE A. THOMPSON, FORMER OWNER(S) OF RECORD
1003 EAST 49TH AVENUE
GARY, IN 46409

CYNTHIA M. THOMPSON, FORMER OWNER(S) OF RECORD
1003 EAST 49TH AVENUE
GARY, IN 46409

HOMEOWNERS LOAN CORP/OPEN MORTGAGE
C/O CEO IN CHARGE
4501 CIRCLE 75 PARKWAY, SUITE F6300
ATLANTA, GEORGIA 30339

THE PROVIDENT BANK/ASSIGNEE OF OPEN MORTGAGE
CAUSE NO. 45D10-0205-MF-251
C/O ATTORNEY DOUGLAS HARMON
ONE E. 4TH STREET (MAIL STOP 198D NSC)
CINCINNATI, OHIO 45202

CREDIT BUREAU OF LAPORTE/OPEN JUDGMENT
CAUSE NO. 45D09-9501-SC-00030
C/O ATTORNEY MIRKOV
8550 BROADWAY
MERRILLVILLE, IN 46410

CREDITOR'S DISCOUNT & AUDIT/OPEN JUDGMENT
CAUSE NO. 45D09-0108-SC-3504
C/O ATTORNEY JOHN C. DRIER
110 WEST BERRY STREET
FORT WAYNE, IN 46802

ALLSTATE ENTERPRISES FINANCIAL CORPORATION
1003 EAST 49TH AVENUE
GARY, IN 46409

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

Continued:

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:

FIRST REALTY CORPORATION'S SUNNYSIDE ACRES ADD.
N.55FT. OF W.125FT. L.1

Key Number: 43-0412-0001

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 **TUESDAY, MARCH 16, 2004, 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:

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 16TH DAY OF FEBRUARY, 2004

7001-2510-0006-5292-6950
Certified Mail Number

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

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