

**NOTICE OF VIOLATION OF THE HAMMOND HOUSING
CODE AND NOTICE OF ORDER THEREON BY THE
DEPARTMENT OF NEW CONSTRUCTION AND REHABILITATION SERVICES**

TO: Lora Barber
5941 Birch Avenue
Hammond, IN 46320
CERTIFIED MAIL RETURN RECEIPT REQUESTED
7001 1140 0002 9664 5161

Address of Unsafe Building: 1533 Summer St

Melisa Gensel
7316-20 Woodmar Avenue
Hammond, IN 46323
CERTIFIED MAIL RETURN RECEIPT REQUESTED
7002 2410 0001 3770 7265

2006 024855

Legal Description: Lots 79 and 80, in Standard Addition, to the City of Hammond, as per plat thereof, recorded in Plat Book 6 page 41, in the Office of the Recorder of Lake County, Indiana.

Date of Mailing: 02-22-06

Your property at 1533 Summer Street has been inspected and found to be **UNSAFE**

BUILDING in violation of Indiana Code 36-7-9 et seq. and Sections 150 and 96 of the Hammond City Code.

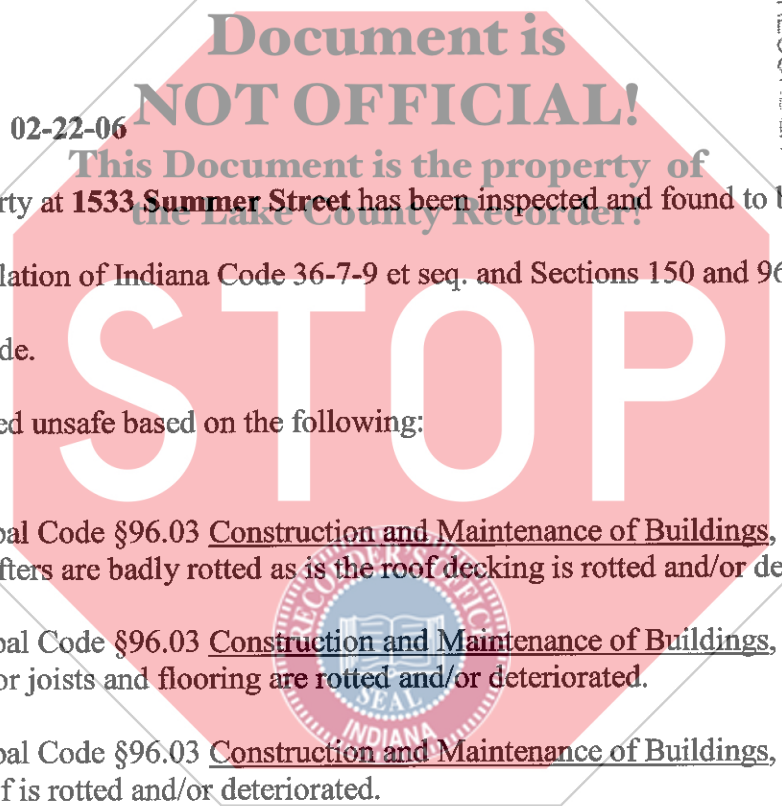
The house is deemed unsafe based on the following:

Hammond Municipal Code §96.03 Construction and Maintenance of Buildings, paragraph A, specifically roof rafters are badly rotted as is the roof decking is rotted and/or deteriorated.

Hammond Municipal Code §96.03 Construction and Maintenance of Buildings, paragraph A, specifically the floor joists and flooring are rotted and/or deteriorated.

Hammond Municipal Code §96.03 Construction and Maintenance of Buildings, paragraph A, specifically the roof is rotted and/or deteriorated.

Hammond Municipal Code §96.03 Construction and Maintenance of Buildings, paragraph A, specifically the foundation block walls are rotted and/or deteriorated.



STATE OF INDIANA
LAKE COUNTY
RECORDED FOR RECORD
MICHAEL A. BROWN
RECORDER
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Hammond Municipal Code §96.12 Heating and Heating Facilities; Heating Water, paragraph A (4), specifically the cement block chimney is rotting and falling down.

Hammond Municipal Code §96.19 Foundations, Walls, Floors, and Roofs, paragraph A (5), specifically interior walls are rotting and plaster, ceiling, and walls are damaged and falling to floor.

Hammond Municipal Code §96.20 Windows, Doors, and Hatchways, paragraph B, specifically windows and frames are rotted and/or deteriorated.

Hammond Municipal Code §150.46 Time Restraints for Vacated Property, specifically the property has been vacated for more than one year.

YOU ARE HEREBY NOTIFIED TO DEMOLISH THIS UNSAFE BUILDING

WITHIN THIRTY (30) DAYS. If you fail to comply with this Order, the Department of New Construction and Rehabilitation Services will institute legal proceedings against you for violation of Chapter 96 and 150 of the Hammond City Code. The penalty provision is Section 10.99 of the Hammond City Code and it provides for a maximum fine of Two Thousand Five Hundred Dollars (\$2,500.00) per violation, each day of violation is considered a separate offense.

You have the right to request, and will be granted, a hearing on the matter before the Board of Public Works and Safety of the City of Hammond. To enforce your right to a hearing, you must petition the **Board of Public Works and Safety, 5925 Calumet Avenue, Hammond, Indiana, 46320**, in writing within ten (10) days of your receipt of this notice. In that petition, you must set forth a brief statement of the grounds for requesting the hearing. The Board of Public Works and Safety, upon receipt of your request for a hearing, will set a time and place for a hearing and shall give you written notice thereof.

At the hearing before the Board of Works, you will be given an opportunity to be heard and show why this Order and this Notice should be modified or withdrawn. You may appear at

the hearing with or without legal counsel, present evidence, cross-examine opposing witnesses, and present arguments. The hearing must be commenced not later than ten (10) days after the day on which your Petition is filed with the Board of Works. However, upon application by you to the Board of Works, the hearing may be postponed for a reasonable time beyond the ten (10) day period, if, in the judgment of the Board of Works, you have submitted a good and sufficient reason for such a postponement. All hearings on any petitions are open to the public. The Board of Works will enter its Order based on the findings of the evidence presented at the hearing and may sustain, modify or withdraw this notice. If no petition for hearing is filed with the office of the Board of Works within ten (10) days of your receipt of this notice, this notice to you is automatically considered an **ORDER**, with which you must comply.

If you appear before the Board of Public Works and Safety 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 EXHIBIT "A")

If the Order of Demolition is affirmed and the unsafe property is demolished, the City will obtain a DEMOLITION LIEN and you will be obligated to pay any and all costs and expenses incurred in the demolition of said structure.

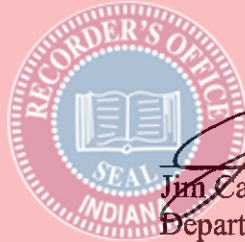
In addition, I.C. 36-7-9, et seq. holds you responsible for notice requirements to interested parties or subsequent owners. If you intend to transfer this property after receipt of this Notice, and have not complied with the Order, you MUST:

1. Supply 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 Department of New Construction and Rehabilitation Services 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 complete copy of the legal instrument under which the transfer or agreement to transfer the substantial property interest is complied.

Please be advised that you may be liable for damages if you fail to comply with these notice requirements.

The proceedings at your hearing before the Board of Works, including the findings and decision of the Board, shall be summarized, reduced to writing and entered as a matter of public record in the Office of the Board of Works. This record shall also include a copy of every notice or order issued in connection with the matter. If you are aggrieved by the decision of the Board of Works, you may seek relief by submitting within ten (10) days after the decision, an appeal to the Circuit or Superior Courts of Lake County. Such an appeal is prosecuted by filing a Verified Complaint setting forth a copy of this Notice as affirmed by the Board of Works and the date thereof, and a copy of the decision of the Board of Works, from which you are appealing, and the date thereof.




Jim Callahan, Commissioner
Department of New Construction and
Rehabilitation Services
City of Hammond
5925 Calumet Avenue, Rm 135
Hammond, IN 46320
(219) 853-6316

HOW TO REQUEST ADDITIONAL TIME TO CORRECT VIOLATIONS

You must appear in person at the Hearing on the scheduled date and time.

You must have with you the following information:

- (1) Evidence of financial capability to correct all building and structural code violations;
- (2) Quotations from a licensed contractor indicating the scope and cost of work to be done; and
- (3) Starting date for commencement of work and completion date.

You are advised that some or all of these repairs may require a permit. Please contact the New Construction and Rehabilitation Services Department at 219-853-6316 for more information.

You may be required to post a performance bond before additional time is granted pursuant to I.C. 36-7-9-7(e).



EXHIBIT "A"

Prescribed by the
State Board of Accounts
(2005)

County form 170

Declaration

This form is to be signed by the preparer of a document and recorded with each document in accordance with IC 36-2-7.5-5(a).

I, the undersigned preparer of the attached document, in accordance with IC 36-2-7.5, do hereby affirm under the penalties of perjury:

1. I have reviewed the attached document for the purpose of identifying and, to the extent permitted by law, redacting all Social Security number in attached document.
2. I have redacted, to the extent permitted by law, each Social Security number in the attached document.

I, undersigned, affirm under the penalties of perjury, that the foregoing declarations are true.




Signature of Declarant

JAMES CALLAHAN
Printed Name of Declarant