

5

2010 005210

2010 JUL 27 PM 3:58

FILED

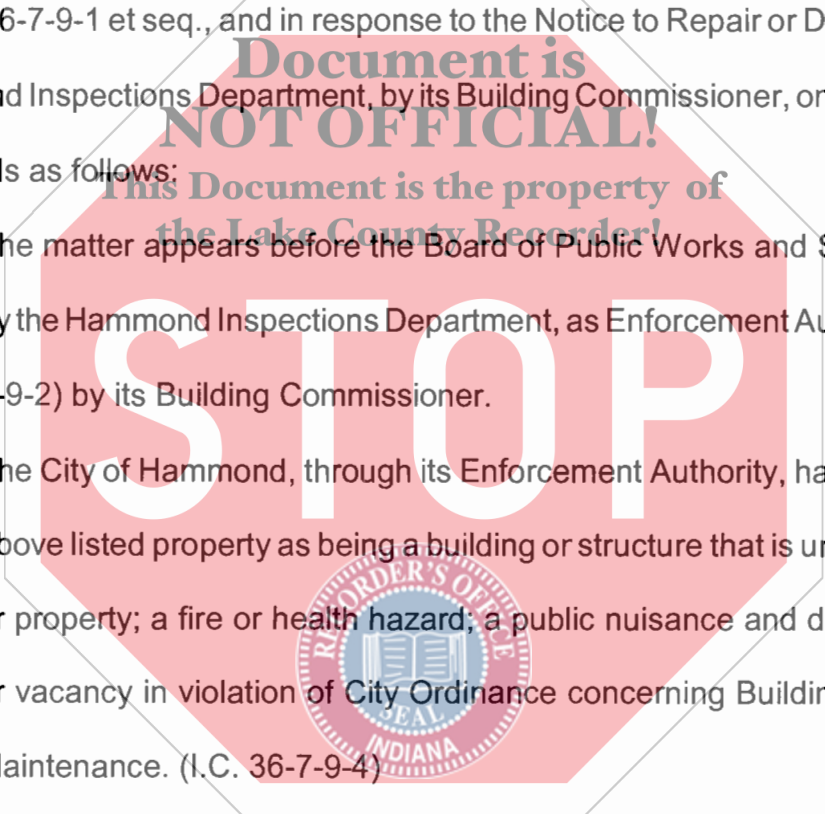
STATE OF INDIANA            )  
   ) ss       BEFORE THE BOARD OF PUBLIC WORKS  
   )       AND SAFETY  
 COUNTY OF LAKE            )       CITY OF HAMMOND, INDIANA

IN RE THE PROPERTY LOCATED AT: 938 Bauer St., Hammond, IN 46320

**FINDINGS AND ORDER**

COMES NOW the Hammond Board of Public Works and Safety, the statutory designated Hearing Authority, acting under the authority of the Unsafe Building Act, Indiana Code 36-7-9-1 et seq., and in response to the Notice to Repair or Demolish issued by the Hammond Inspections Department, by its Building Commissioner, on December 11, 2009, now finds as follows:

1. The matter appears before the Board of Public Works and Safety, brought by the Hammond Inspections Department, as Enforcement Authority (I.C. 36-7-9-2) by its Building Commissioner.
2. The City of Hammond, through its Enforcement Authority, has identified the above listed property as being a building or structure that is unsafe to person or property; a fire or health hazard; a public nuisance and due to condition or vacancy in violation of City Ordinance concerning Building Condition or Maintenance. (I.C. 36-7-9-4)
3. Pursuant to these findings, and acting to eliminate blight and protect public health and safety, the Enforcement Authority issued notice of the condition



#19  
 CR# 10867  
 CR

of the above listed property, and required that the above listed property be repaired or demolished, pursuant to I.C. 36-7-9-5.

4. This Notice to Repair or Demolish complied with I.C. 36-7-9-5 and contained the required information including in part, the name of the person to whom the ordered was issued, a legal description and common address of the unsafe premises, the action requested on the unsafe property, the time frame permitted for compliance and notice of the time, date and place of a scheduled hearing before the Hammond Board of Public Works and Safety.
5. Service was made upon all parties possessing a known or recorded fee interest, life estate interest, substantial property interest, or equitable interest in the above listed property, as determined from information maintained by the Lake County Recorder.
6. Service on the above listed property was made upon, in the following manner on the following dates:
  - New Second Missionary Baptist Church, Inc. d/b/a New Second Baptist Church, Inc. C/o Rev. Lee Charles Gilliam Sr., Registered Agent, certified mail, unclaimed
  - New Second Missionary Baptist Church, Inc. d/b/a New Second Baptist Church, Inc. C/o Rev. Lee Charles Gilliam Sr., Registered Agent, regular mail, 12/24/09
  - New Second Missionary Baptist Church, Inc. d/b/a New Second Baptist Church, Inc. C/o Rev. Lee Charles Gilliam Sr., Registered Agent, by publication in The Times on 12/30/09 and 12/31/09

Ollie Sherrod, certified mail, returned

Ollie Sherrod, regular mail, returned

Ollie Sherrod, by publication in The Times on 12/30/09 and 12/31/09

Christiana Bank & Trust Company as Owner Trustee for Security National  
Funding Trust Attn: Highest Corporate Officer, certified mail, 12/15/09

Mortgage Electronic Registration Systems, Inc. Attn: Highest Corporate  
Officer, certified mail, 12/16/09

President, Mortgage Electronic Registration Systems, Inc., MERSCORP,  
Inc., certified mail, returned

President, Mortgage Electronic Registration Systems, Inc., MERSCORP,  
Inc., regular mail, 12/21/09

President, Mortgage Electronic Registration Systems, Inc., MERSCORP,  
Inc., by publication in The Times on 12/30/09 and 12/31/09

Citifinancial Mortgage Company c/o Yarling & Robinson, Attorneys, certified  
mail, 12/14/09, who forwarded to Brandon Sargent, Assistant General  
Counsel, CitiMortgage, Inc.

Citifinancial Mortgage Company n/k/a CitiMortgage, Inc. C/o CT Corporation  
System, Registered Agent, certified mail, 12/15/09

Indiana Dept of Revenue c/o John P. Bushemi, Attorney, certified mail,  
12/16/09

American General Finance, Inc. C/o Donald J. Fuchs, Attorney, certified

mail, 12/14/09

Indiana Dept. Of Revenue Attn: Tax Warrants, certified mail, 12/15/09

This above manner of service complies with the statutory requirements, and the Hearing Authority determines that a reasonable effort has been made to obtain service.

7. A hearing on the Notice and Order to Repair or Demolish was held before the Hammond Board of Public Works, pursuant to I.C. 36-7-9-7 on Thursday, January 14, 2010, at 9:00 a.m., and was conducted on that date by the hearing authority at a public meeting.
8. No person, to whom the Notice and Order to Repair or Demolish was issued, appeared at the hearing, nor any party having a substantial property interest in the unsafe premises appeared, in person or by counsel, nor was there requested a continuance or rescheduling of the hearing by any party.
9. The property listed above was not substantially repaired nor demolished by the property owner prior to the scheduled hearing and the Notice and Order to Repair or Demolish issued by the Hammond Inspections Department proposes demolition of the unsafe property above, and that recommendation is reasonably related to the condition of the property, the failure of the owners of the property to remedy the condition, and given the nature and use of nearby properties. (36-7-9-5)
10. Demolition of the unsafe property is necessary and reasonable in relation to the present condition of the property, which requires services of the government in excess of ordinary property, and which creates a negative

effect on property values, as well as effects the quality of life, and use, of the surrounding area in the City of Hammond.

NOW THEREFORE it is the finding and decision of the Hammond Board of Public Works and Safety to AFFIRM the Notice and Order to Repair and Demolish issued by the Enforcement Authority on the above named unsafe building. This affirmation shall be an ORDER to demolish the structure which shall be recorded in the office of the Recorder of Lake County, Indiana, with demolition of the property to subsequently follow. The costs of this demolition shall be assessed against the property, and shall constitute a lien on the property.

SO ORDERED this 21<sup>ST</sup> day of January, 2010

Hammond Board of Public Works and Safety

By: [Signature]

President

[Signature]

Vice President

[Signature]  
Member

Attest: [Signature]

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each and every Social Security Number in this document, unless required by law.

[Signature]  
Kevin C. Smith

This instrument prepared by: Kevin C. Smith (#18169-45)  
Rubino, Ruman, Crosmer, Smith, Sersic & Polen  
275 Joliet Street, Suite 330  
Dyer, IN 46311  
219-322-8222

