

COUNTY PLAN COMMISSION  
PORTER COUNTY

NOTICE OF VIOLATION OF THE PORTER  
COUNTY UNSAFE BUILDING REGULATIONS  
AND ORDER TO DEMOLISH OR REPAIR  
AND NOTICE OF DEMOLITION ORDER  
THEREON REQUESTED BY THE PORTER  
COUNTY BUILDING COMMISSIONER AND  
PLAN COMMISSION

Via Publication, First Class Mail & Certified  
Mail, Return Receipt Requested

October 8, 2019

Parcel Owner: Michael A. Tuthill  
4109 Cardinal Ln.  
Valparaiso, IN 46383

and the unknown heirs, devisees, legatees,  
husbands, wives, widows, widowers, succes-  
sors, executors, administrators, personal repre-  
sentatives, guardians, trustees, receivers, and  
unknown grantees and lessees; and any Party  
Claiming a Substantial Interest Whose Real  
Names are Unknown.

RE: 4109 Cardinal Ln., Valparaiso, IN 46383

Legal Description: Burlington BCH

1st ADD LOTS 9, 10, 11, 12

13 & 14 BLK 14 VLACD

DR396 P183

Key No.: 64-10-07-101-003.000-003

Pursuant to Porter County Unsafe Building Or-  
dinance Number 8.36 and State Statute I.C.  
36-7-9 et. seq., you are hereby notified that  
your property has been inspected and found to  
be an unsafe building. You are notified to repair  
or demolish this unsafe structure on or before  
the hearing date which is more than ten (10)  
days and less than thirty (30) days from the  
date of this notice.

You are further notified that a hearing on this  
property will be held on November 6, 2019 AT  
1:30 P.M. before the Hearing Authority at the  
Office of the Porter County Plan Commission,  
(Enforcement Authority), for the purpose of re-  
viewing and hearing an order issued by the En-  
forcement Authority that the above described  
property be repaired by or, in the alternative de-  
molished by Porter County because of the fol-  
lowing particulars which render the property un-  
safe:

4109 Cardinal Ln., Valparaiso, IN 46383, the  
structure is vacant, unsecure, and has no work-  
ing utilities. Sections of the soffit as well as sec-  
tions of the roof are missing allowing animals  
access to the structure. The siding is rotting  
from lack of maintenance and based on the  
condition of the exterior it is reasonable to be-  
lieve that rain, snow, and other elements have  
penetrated the interior. The property has not in-  
habited for a number of years and the current  
owner agrees that the structure should be se-  
cured and eventually removed.

Violation of Ordinance 8.36 include:

8.36.040 Public nuisance. All buildings, struc-  
tures or portions thereof which are determined  
after inspection by the enforcement authority to  
be unsafe, as defined in this chapter, are de-  
clared to be a public nuisance and shall be  
abated by repair, rehabilitation, demolition or re-  
moval.

Other:

Pursuant to I.C. 36-7-9, these premises are  
considered a public nuisance and a serious  
health and fire hazard. This building is aban-  
doned and vacant, and not maintained in a  
manner that would allow human habitation, oc-  
cupancy and use. This building has been found  
to be in an impaired structural condition posing  
an immediate danger to the life, health and  
safety of passerby and neighboring properties.  
The condition of this property is such that it con-  
stitutes a hazard to the public health, safety and  
welfare; and contributes to blight within the  
community and potentially causing a decrease  
and decline in property values.

You have a right to appear at the hearing with  
or without counsel; present evidence; cross-ex-  
amine opposing witnesses; and present argu-  
ments as to why this Notice and Order should  
be modified or withdrawn. Upon application by  
you to the Porter County Plan Commission the  
hearing may be postponed for a reasonable  
time beyond the hearing date, if in the judgment  
of the Porter County Plan Commission, you  
have submitted good and sufficient reason for  
such a postponement. All hearings on the  
above listed property are open to the public.

At the conclusion of the scheduled hearing, the

Hearing Authority will make and enter written findings and take action to:

1. Affirm the order of the Enforcement Authority that the property in question should be ordered to be repaired or in the alternative, ordered to be demolished. If no party appears for the hearing this notice is automatically considered an Order to Demolish. An Order issued by the Hearing Authority will be recorded with the Porter county Recorder;
2. Rescind that order; or
3. Modify that order; or
4. Continue the hearing for good cause.

If you fail to appear, the above-described action will be ordered to be performed by you within the number of days prescribed by the Porter County Plan Commission, for the date of the hearing.

If you fail to complete ordered action within the number of days prescribed by the Porter County Plan Commission from the date of hearing, this agency will cause the ordered work to be performed by a contractor who has been awarded a contract to perform such work or by the agency's own personnel. You will be liable and charged for all costs and expenses incurred for performing said work, and these costs will be placed as a lien upon the property. If you are aggrieved by the decision of the Hearing Authority, you may seek relief by submitting within ten (10) days after the decision, an appeal to the Circuit or Superior Court of Porter County. Such an appeal is prosecuted by filing a verified complaint setting forth a copy of this Notice as affirmed by the Hearing Authority and the date thereof, and a copy of the decision of the Hearing Authority, from which you are appealing, and the date thereof. Furthermore, the Porter County Plan Commission may determine the property to be abandoned pursuant to I.C. 36-7-37.

If you transfer your interest to the above-described property to any subsequent interest holder after the date you receive this notice, I.C. 36-7-9 et. seq. requires that you must do the following:

- (1) Must supply full information regarding this notice to a person who takes or agrees to take a substantial property interest in the unsafe premises before transferring or agreeing to transfer that interest; and
- (2) Must within five (5) days after transferring or agreeing to transfer a substantial property interest in the unsafe premises, supply the Enforcement Authority with written copies of:
  - a. The full name, address and telephone number of the person taking a substantial property interest in the unsafe premises; and
  - b. The legal instrument under which the transfer of agreement to transfer the substantial property interest is accomplished.

If you fail to inform either a subsequent interest holder or this agency as required above, you will be held liable for any losses, attorney fees and other costs incurred in defending any actions taken against this agency because of your failure to inform. Any and all written responses to this notice must be directed to the attorney listed below.

Robert Thompson  
Director, Development & Storm Water Management

155 Indiana Ave., Suite 311  
Valparaiso, IN 46383  
(219)465-3540

By: \_\_\_\_\_

Scott R. McClure  
RHAME, ELWOOD & MCCLURE, P.C.  
3200 Willowcreek Rd., Suite A  
Portage, IN 46368  
(219)762-0494

Attorney for Porter County  
10/9, 10/16/19 - hspaxlp