

October 20, 2014  
Certified Mail – Return Receipt Requested

TO: Harbour Portfolio VII, LP  
P.O. Box 1996  
Irmo, SC 29063

**ORDER ON UNSAFE PREMISES  
AND NOTICE OF HEARING**

This Order is issued by the undersigned Howard County Buildings Enforcement Authority (“Enforcement Authority”) pursuant to Section 150.09 of the Code of Howard County and IC 36-77-9-5 and related statutes.

You are the record owner of the real estate located at 1040 S. Emery Street, Kokomo, IN, and legally described as Lot 93, Bellaire Gardens Addition to City of Kokomo, Recorder’s Plat Book 3, page 201 (“Property”).

The residence and surrounding area on this Property is found to be currently vacant and unoccupied; not maintained in a manner that would allow human habitation; dangerous to person and property; a public nuisance; a hazard to public health; and a fire hazard. Consequently, this Property is hereby declared to be an unsafe building and unsafe premises, as those terms are defined by Indiana Code 36-7-9-4 (“Unsafe Premises”).

Based on these findings, you are hereby ORDERED to take the following actions (“Actions”):

1. Seal and secure the unsafe building located on your Unsafe Premises against intrusion by authorized persons pending demolition;
2. Exterminate any vermin in and about the Unsafe Premises;
3. Remove the trash, debris, tires, vehicles, and garbage in and about the Unsafe Premises; and
4. Demolish and remove the unsafe building located on the Unsafe Premises.

You are further ORDERED to complete all these Actions on or before November 28, 2014. If you fail or refuse to accomplish these Actions within the stated time period, the Enforcement Authority: (1) may cause the Actions to be performed by a contractor pursuant to Indiana Code 36-7-9-10 and 36-7-9-11; and (2) may recover the charges incurred to accomplish the Actions (as calculated under Indiana Code 36-7-9-12) by placing a lien on your Unsafe Premises under Indiana Code 36-7-9-13 or charging a special assessment against your Unsafe Premises under Indiana Code 36-7-9-13.5.

YOU ARE HEREBY NOTIFIED that a public hearing before the Howard County Board of Commissioners will be held on this Order on the 1<sup>st</sup> day of December, 2014, at 4:30 p.m., in Room 338, Howard County Administration Center, 220 North Main Street, Kokomo, Indiana. At this hearing, you are entitled to appear in person, with or without legal counsel, present evidence, cross-examine opposing witnesses, and present arguments. If this Order, or any modified Order, is not fully complied with, the Enforcement Authority can take the actions explained above.

YOU ARE FURTHER NOTIFIED that under Indiana Code 36-7-9-27 you:

- (1) must supply full information regarding this Order 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 interest in the Unsafe Premises; and
  - B. the legal instrument under which the transfer or agreement to transfer the substantial property interest is accomplished.

**SO ORDERED, this 20<sup>th</sup> day of October, 2014.**

Greg Sheline  
Executive Director  
Kokomo-Howard County Plan Commission  
120 East Mulberry Street  
Kokomo, IN 46901  
Phone: 765-456-2330  
Fax: 765-456-2335  
Enforcement Authority

This Order prepared by:  
Lawrence R. Murrell  
Howard County Attorney  
220 North Main Street  
Kokomo, IN 46901  
Attorney for Enforcement Authority

**Copies send Certified Mail to:**

Joseph B. Moore  
Attorney for Harbour Portfolio VII  
8500 Keystone Crossing  
Suite 555  
Indianapolis, IN 46240  
(Ref. Decree of Foreclosure and Judgment shown on attached Title Report)

Steve Hearn  
DBA Hearn Properties  
406 W. Superior  
Kokomo, IN 46901  
(Ref. Judgment shown on attached Title Report)

1901 Association  
DBA Asbury Apartments  
1901 S. Goyer Rd.  
Kokomo, IN 46902  
(Ref. Judgment shown on attached Title Report)

Steven K. Raquet  
421 W. Sycamore  
Kokomo, IN 46901  
(Ref. Judgment shown on attached Title Report)

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**PUBLISH ONE (1) TIME IN KOKOMO TRIBUNE AND KOKOMO HERALD**