

## **Public Hearing Authority for the Unsafe Building Law's Minutes**

**May 19, 2015**

Commissioners met for a Public Hearing for the Authority for the Unsafe Building Law. Those present were Commissioner Brad Armstrong, President, Commissioner Tom Stevens, Vice President, and Commissioner Marc Huber.

Auditor Robin D. Lowder, Deputy Auditor Emily Moore, and attorney Ray Richardson were also present.

The Hearing Authority for the Unsafe Building Law began at 8:30 a.m.

### **Public Hearing**

At 8:30 a.m. a public hearing was opened. Attorney Ray Richardson read the Publication: "This is a hearing on an Unsafe Building order issued by the Hancock County Building Inspector to demolish and remove the building located at 2372 West U.S. 40, Greenfield, Indiana, presided over by the hearing authority as established by ordinance pursuant to Unsafe building Law found at IC 36-7-9." Commissioner Stevens moved to elect Commissioner Armstrong as President of the Authority for the Unsafe Buildings. Commissioner Huber seconded. Motion carried 3/0.

County Attorney ascertained who was present by calling 3 times. Present or comes not.  
Scott Williams, Hancock County Building Inspector, who is the enforcement authority under IC 36-7-9, present.

Gary Sword, owner, present. Cindy Sword, owner, present.

Green Tree Financial Servicing Corporation, mortgage holder, not present.

Financial Services of Ind., Inc., mortgage holder, not present.

Scott Williams was sworn in. County Building Inspector offered proofs of service and publication. He stated that he sent notice out to all five addresses for Green Tree and he received receipts from all but one. Also, the notice sent to Financial Services of Ind. was marked *Return to sender*. He was directed to return records to be reserved by Auditor. It was stated that the County Inspector has issued an order finding that the house at 2372 West U.S. 40, Greenfield, IN, is an unsafe building under IC 36-7-9 and the corresponding county ordinance and should therefore be demolished and removed no later than July 1, 2015, because the general condition of the building warrants removal. Scott Williams' support of the order is that he has found the building:

1. in an impaired structural condition that makes it unsafe to a person or property.
2. vacant and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance.

3. The house has been in an unsafe condition for many years. Several attempts have been made to resolve this issue over the past eight years with no results.

The Building Inspector showed the authority the facts to support his conclusions and order. (copies of receipts, returned mail, publisher's claim, and photos) Commissioner Armstrong ordered that photos be entered into evidence. The question was asked if anyone wanted to cross-examine. No answer. The question was asked if anyone wanted to present evidence or make a statement. The Swords requested to make a statement and to clarify a few things.

Gary Sword and Cindy Sword were sworn in. Mr. Sword asked for clarification on the Building Inspector's testimony. Clarification was given. The Swords did say that they do want the house torn down, but requested the date be changed to August 1, 2015.

Commissioner Armstrong accepted a motion to affirm the order issued by the Building Inspector against Gary Sword, Cindy Sword, Green Tree Financial Servicing Corporation and Financial Services of Ind., Inc. to demolish and remove the building located at 2372 West U.S. 40, Greenfield, Indiana, not later than July 1, 2015, and that if such action is not completed by that date the Building Inspector should proceed on his own to demolish and remove the building. Commissioner Stevens made motion to proceed as stated. Commissioner Huber seconded. Motion carried 3/0.

The Public Hearing Authority for Unsafe Building Law meeting adjourned at 8:45 a.m.

Hancock County Commissioners

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Commissioner Brad Armstrong, President

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Commissioner Tom Stevens, Vice President

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Commissioner Marc Huber

Attest: \_\_\_\_\_

Robin D. Lowder  
Hancock County Auditor