



**Town of Cedar Lake**  
**Unsafe Building Department**  
**Minutes**  
**August 17, 2016 6:30 p.m.**

Call to Order (Time): 6:30 p.m.

Pledge to Flag:

Roll Call:

Present Diane Cusack  
Present Richard Sharpe  
Present Greg Parker

Present David Austgen, Town Attorney  
Present Tim Kubiak, Director of Operations  
Present Brooke Faber, Recording Secretary

Others Present: Michelle Bakker, Building Administrator

**Minutes:**

A motion was made by Richard Sharpe and seconded by Diane Cusack to approve the Minutes of the July 20, 2016 Public Meeting

Diane Cusack	Richard Sharpe	Greg Parker	Vote
Yes	Yes	Yes	3-0

**Old Business:**

- 1. 13917 Soper Street – Owner: Kenneth Capps-**Tim Kubiak stated we are still in the process of tearing that down. We got the electric and gas disconnected, it was a struggle. Have the trees and fence tore down. It will be done by next week.
- 2. 14705 Blaine Street – Owner: Charles Bonick-**Tim Kubiak stated that has been demolished, the lot is all cleaned up and we just got the bill done.
- 3. 13324 Bell Street – Owner: Richard Loudermilk-**Tim Kubiak stated we posted the affidavit on the building, did all the notifications. David Austgen stated we have not gotten all the green cards back. Recommend publication notice be done, will be published two times with the second being at least ten (10) days before the September 21, 2016 public meeting and when that is done bring you the proof and then we can conduct the hearing.

A motion was made by Richard Sharpe and seconded by Diane Cusack to direct the publication to occur.

Diane Cusack	Richard Sharpe	Greg Parker	Vote
Yes	Yes	Yes	3-0

- 4. 8913 W. 142<sup>nd</sup> Place – Owner: Bryan Oparka-**

David Johnson, Doyle Legal Corp PC, 41 E. Washington St., Indianapolis, IN 46204, attorney for the mortgagee. US Bank NA Successor Trustee to LaSalle Bank NA on behalf of the holders of Bear Sterns, Acid Back Securities I Trust 2006 HE2 Acid Back Certificate Series 2006 HE2. This has gone to judgment. There is an active bankruptcy, we are stuck, an automatic stay. Currently the trustee just filed a report of no assets, no longer has an interest as of August 4, 2016. The objection deadline is September 26, 2016, cannot do anything until the bankruptcy is resolved. Mr. Johnson stated the judgment was in the amount of \$92,448.46 as of June 30, 2016, interest accrued thereafter, so close to \$100,000. The trustee filed his intent to abandon all assets that were scheduled.



David Austgen asked if the bankruptcy trustee is done with this property. He also stated Mr. Johnson is properly here and his bank Successor Trustee, etc. has a proper interest in the title commitment, which is why they were noticed. Mr. Austgen asked how much the lien is, and stated Mr. Oparka is the only property owner according to the title commitment. If a building permit is applied for and issued he has another year before he has to finish that job. Asked if they had state relief, and if they were going to apply for it. Mr. Johnson said no, not yet. Recommends Mr. Oparka should come every month to state a status.

Greg Parker asked what he is planning to do with this. Would he be able to make a deal with the bank to get it done? What is the mortgage holder’s position? If he owes \$100,000 on what is there, what will it cost to finish it?

Bryan Oparka stated stopped at the bank two (2) weeks ago and it is not in foreclosure yet. There is a lawsuit from Jolynn Oparka, she was the original deed owner of the property, she had the mortgage on the property and got divorced and was awarded equity in the property and the deed got switched to his name, but the mortgage stayed in her name. After received notice, called Tim to see what he should do. In a position now to finish the house and apply for the proper permits. Asking to finish the house, replace all damaged wood. Has an attorney involved. Would like to apply for a permit and get it off the demolition list and finish the house. The property has been sitting since 2010. Last year is when he got the deed in his name. It was originally \$48,000, but with all the penalties, is close to \$100,000. If finished there would still be equity in the house and he would take care of all the liens. Cost to fix would be about \$50,000 if he does all the work himself. Will replace the back wall, back floor and back roof, rest of house is fine. Tried to reaffirm this mortgage and they wouldn’t because couldn’t live in.

Tim Kubiak stated his question is with all the ownership and all of the interest holders in this property, would he be legally qualified to pull a permit. There is a lot of stuff to be repaired, it is not to the point of no repair, but is getting there. Recommendation is give him ninety (90) days to try to salvage it, it is an eyesore due to the condition, it would be an asset if it was finished. The board asked how he could get it done in 90 days.

Diane Cusack asked if the house is structurally sound.

Michelle Bakker stated we have given out permits with a ninety (90) day expiration date to complete substantial work within a time frame. Could this be deferred for ninety (90) days.

A motion was made by Richard Sharpe and seconded by Diane Cusack to take the order for demolition under advisement and direct staff to issue a permit for a ninety (90) day duration to require the property owner to appear before you in each of the next three monthly public meetings of this body and for a Tim Kubiak to be prepared make a report on status monthly.

Diane Cusack	Richard Sharpe	Greg Parker	Vote
Yes	Yes	Yes	3-0

**5. 9303 W. 133<sup>rd</sup> Avenue – Owner Meyer-**David Austgen stated this is for next month; the notices should go out in the next day or two. Should have it posted by end of the week. There are nine owners.

A motion was made by Diane Cusack and seconded by Richard Sharpe to defer to the September 21, 2016 Public Meeting.

Diane Cusack	Richard Sharpe	Greg Parker	Vote
Yes	Yes	Yes	3-0



**Public Comment:** None

**Adjournment:** 6:28 p.m.

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**Diane Cusack**

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**Richard Sharpe**

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**Greg Parker**

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**Brooke Faber, Recording Secretary**

*The Town of Cedar Lake is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding accessibility of the meeting or the facilities, please contact the Cedar Lake Town Hall at (219) 374-7400.*