

STATE OF INDIANA

IN THE STARKE CIRCUIT COURT

COUNTY OF STARKE

KNOX, INDIANA

BETTY DOTLICH, GEORGE DOTLICH,
LINDA SIROKY, AND JAMES SIROKY,
ANTHONY STANDIFER, AND JANE
STANDIFER,

CAUSE NO:75C01-1204-PL-000011

Petitioners.

Vs.

STARKE COUNTY BOARD OF ZONING
APPEALS, JULIA POVALITUS A/K/A
JULIA FORD AND WALTER FORD.

Respondents.

FILED
IN OPEN COURT

OCT 15 2013

Fin Hill
JUDGE STARKE CIRCUIT COURT

ORDER ON RULE TO SHOW CAUSE

Comes now the Court and having taken Respondent Starke County Board of Zoning Appeals under advisement now finds:

1. That this matter originally came before this Court on Petitioners' Verified Petition For Writ Of Certiorari.
2. This Court entered its Findings of Fact and Conclusions of Law wherein this Court vacated the Findings of Fact and Decision of the Starke County BZA (herein after BZA), and remanded this case back to the BZA for purposes of issuing new findings consistent with this Court and rendering its Decision accordingly.
3. The BZA notified this Court that it had complied with these Findings of Fact and Conclusions, and adopted the same as its own.

4. Now the BZA is seeking a Rule to Show Cause as to why the Respondents Julia Povialitus AKA Julia Ford and Walter Ford (herein after Ford) should not be held in contempt for failing to remove the structure located at 6690 E. 250 N. Grovertown, Indiana.
5. This Court finds that the Ford's are not in violation of this Court Orders. The Original Writ for Certiorari was essentially an appeal of the BZA's decision to grant a building and certificate of occupancy to the Fords. While it is true that this Court vacated the decision, the Court remanded for the BZA to enter new findings and render is decision.
6. That once the BZA entered its new findings and conclusions, the BZA was put back in position of having the full authority to enforce its rulings. Much the same as when a Court of Appeals remands to the trial court, the trial court is vested with jurisdiction once again. Parties don't have recourse to file RTSC's back with the Appellate Court.
7. In the present case, once re- invested with the jurisdiction of this case, the BZA has the ability to fully enforce its decision entered upon remand.

IT IS THEREFORE ORDERED ADJUDGED and DECREED, That the Starke County Board of Zoning Appeals Motion for a Rule to Show Cause in herein DENIED.

ORDERE THIS 15th Day of October, 2013.



Honorable Patrick Blankenship, Judge
Starke Circuit Court