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APPELLANT PRO SE:

ATTORNEY FOR APPELLEE:

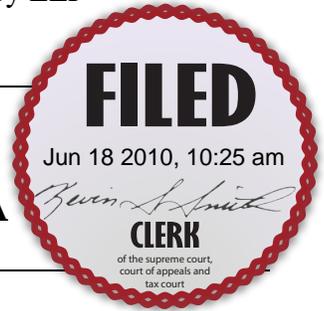
**BOB GASICH**  
Schererville, Indiana

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Burke Costanza & Cuppy LLP  
Merrillville, Indiana

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**IN THE  
COURT OF APPEALS OF INDIANA**

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BOB GASICH, )  
 )  
 Appellant-Defendant, )  
 )  
 vs. )  
 )  
 EAST CHICAGO REDEVELOPMENT )  
 COMMISSION, )  
 )  
 Appellee-Plaintiff. )

No. 45A03-0910-CV-500

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APPEAL FROM THE LAKE SUPERIOR COURT  
The Honorable Calvin D. Hawkins, Judge  
Cause No. 45D02-0812-MI-00040

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**June 18, 2010**

**MEMORANDUM DECISION – NOT FOR PUBLICATION**

**MATHIAS, Judge**

After the East Chicago Redevelopment Commission (“East Chicago”) condemned Bob Gasich’s (“Gasich”) property, Gasich filed a “Petition to Void and Withdraw the Order of Appropriation of Real Estate and Appointment of Appraisers.” The Lake Superior Court denied Gasich’s petition, and he appeals pro se. We affirm.

### **Facts and Procedural History**

On December 30, 2008, East Chicago filed a complaint seeking to condemn properties that were formerly owned by the Open Door Church of God. Eventually, East Chicago learned that the church no longer owned the properties, which had been sold at a tax sale. At the tax sale, Gasich purchased the property at 3518 Main Street. Therefore, on April 21, 2009, East Chicago filed an amended complaint adding Gasich as a defendant.

A hearing on the appropriation of Gasich’s property was held on May 7, 2009. Gasich appeared at the hearing pro se, and indicated that he understood the purpose of the hearing. Appellee’s App. p. 45. Gasich did not object to the appropriation and simply expressed concern that he had not yet received the deed to the property. *Id.* at 46. The court then entered its Order of Appropriation of Real Estate and Appointment of Appraisers.

The Report of Appraisers was filed on May 27, 2009, and the appraisers concluded that the fair market value of the property was \$6300.00. On July 8, 2009, Gasich filed his Petition to Void and Withdraw the Order of Appropriation of Real Estate and Appointment of Appraisers, in which he alleged that East Chicago’s amended complaint to condemn his property contained inaccuracies and misleading statements.

Gasich also alleged that the appraiser's report was not filed in a timely manner. Appellant's App. pp. 4-5. On July 15, 2009, East Chicago responded to Gasich's petition and also filed its payment of damages by depositing \$6800 with the Lake County Clerk, which was the sum of the appraised value of the property and the appraisers' fees.

A hearing was held on Gasich's petition on September 23, 2009. At the hearing, the parties discovered that Gasich had not received the Report of Appraisers as required by statute. Gasich was told that he could file exceptions to the value set by the appraisers, and that he would have twenty days to do so upon receipt of the Report of Appraisers. Appellee's App. pp. 64-65. The court then denied Gasich's petition to void the appropriation order. Gasich now appeals. Additional facts will be provided as necessary.

### **Discussion and Decision**

Initially, we observe pro se litigants are held to the same standard as trained legal counsel. Goossens v. Goossens, 829 N.E.2d 36, 43 (Ind. Ct. App. 2005). Gasich's Appellant's brief fails to comply with Indiana Appellate Rules 46(A)(5), (6), and (8). Gasich did not provide a statement of the applicable standard of review, and has not supported his arguments with citation to authorities, statutes, and the Appendix or other parts of the Record on Appeal, which is required by Rule 46(A)(8). A party waives an issue where the party fails to develop a cogent argument or provide adequate citation to authority and portions to the record. See Ramsey v. Review Bd. of Workforce Dev., 789 N.E.2d 486, 490 (Ind. Ct. App. 2003) (holding that the claimant's substantial noncompliance with rules of appellate procedure resulted in waiver of his claims on

appeal). Gasich has therefore waived the issues raised in this appeal because he has not supported his less than cogent arguments with citation to authority or the Record on Appeal.

Waiver notwithstanding, we will briefly address the issues raised in Gasich's Appellant's brief. Indiana Code chapter 32-24-1 governs eminent domain proceedings, and our court has summarized those proceedings as followings:

First, when the complaint is filed a notice is issued and served on the landowner requesting his appearance at a stated time to show cause, . . . why the land should not be appropriated. If he believes he has cause he may file "objections." If no objections are filed, or if those filed are overruled, an order of appropriation is entered and three appraisers are appointed and ordered to file their report appraising the damage to the landowner resulting from the appropriation.

Second, within twenty days of the date the report of appraisal is filed, either or both parties may file "exceptions" to the appraisal. If timely filed, exceptions raise the issue of the amount of the landowner's damages.

That issue is tried de novo by the judge, or by a jury if timely requested. If no exceptions are timely filed the appraisers' award becomes final.

Daugherty v. State, 699 N.E.2d 780, 781-82 (Ind. Ct. App. 1998), trans. denied (quoting Lehnen v. State, 693 N.E.2d 580, 581-82 (Ind. Ct. App. 1998), trans. denied ) (citations and footnotes omitted). See also State v. Universal Outdoor, Inc., 880 N.E.2d 1188, 1190 (Ind. 2008) ("If no exceptions are timely filed, the appraisers' award in the filed report becomes final.").

In this case, Gasich did not object to the appropriation of his property, and therefore, the trial court properly entered the order of appropriation and appointed appraisers. See Ind. Code § 32-24-1-8 (2002 & Supp. 2009). Therefore, we reject Gasich's vague assertion that appropriation order must be voided because it contains

“inaccurate and misleading statements such as references to State Statutes that were incorrect or nonexistent. And, incorrect dates.” Id. at 2.

Gasich also argues that the trial court should have voided its order of appropriation because he did not receive the property appraisals in a timely manner, and therefore, was deprived of his “legal right to challenge the valuation utilized by” the State. Appellant Br. at 1. Gasich disagrees with the appraisers’ valuation of the property in question. However, instead of filing exceptions to the appraisal, as is required under Indiana Code section 32-24-1-11, Gasich asked the trial court to void its order of appropriation.

At the hearing held on Gasich’s petition, the trial court was informed that Gasich had not received the Report of Appraisers. The court then stated:

[Y]ou’ll get an official notice from the Clerk which you should have gotten. That will start that tolling of the time. So you have to do what the statute says to do before the 20 days or you’re out of luck.

Appellee’s App. p. 65. Further, the court stated, “You still have . . . a remedy if you want to except [sic] it.” Id. at 63. We therefore reject Gasich’s claim that his “ability and opportunity to dispute the appraisers’ value was made impossible.”<sup>1</sup> See Appellant’s Br. p. 3.

Finally, Gasich argues that “while there was a pending action to void the initial [appropriation] order that no title transfer action should have been undertaken by” East Chicago. Appellant’s Br. at 3. Yet, Gasich has not cited any authority to support his claim that title should not have been transferred to East Chicago after East Chicago paid

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<sup>1</sup> After reviewing the trial court’s docket, we note that Gasich did not file exceptions within twenty days of his receipt of the Report of Appraisers. Appellee’s App. p. 1.

the \$6800 in assessed damages to the Lake County Clerk. Indiana Code section 32-24-1-10(b) provides:

(a) If the plaintiff pays to the circuit court clerk the amount of damages assessed under section 9 of this chapter, the plaintiff may take possession of and hold the interest in the property so acquired for the uses stated in the complaint, subject to the appeal provided for in section 8 of this chapter. But the amount of the benefits or damages is subject to review as provided in section 11 of this chapter.

(b) Upon payment by the plaintiff of the amount of the award of the court appointed appraisers, the plaintiff shall file or cause to be filed with the auditor of the county in which the property is located a certificate, certifying the amount paid to the circuit court clerk and including the description of the property being acquired. The auditor of the county shall then transfer the property being acquired to the plaintiff on the tax records of the county.

The record establishes that title was transferred as prescribed by Indiana Code section 32-24-1-10.

### **Conclusion**

By failing to comply with Appellate Rule 46(A)(8), Gasich waived the issues presented in this appeal. Waiver notwithstanding, we conclude that Gasich is not entitled to the relief he seeks.<sup>2</sup> We therefore affirm the trial court's denial of Gasich's Petition to Void and Withdraw the Order of Appropriation of Real Estate and Appointment of Appraisers.

Affirmed.

RILEY, J., and BRADFORD, J., concur.

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<sup>2</sup> Gasich's final argument that the Executive Director of the Redevelopment Commission has not complied with his request for documents is not properly before this court.